

Item No: C05/19-89

## **PLANNING PROPOSAL FOR 2 BACHELL AVENUE, LIDCOMBE**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: PP-3/2018  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

---

This planning proposal seeks to amend the planning controls at 2 Bachell Avenue, Lidcombe, as follows:

- rezone the site from IN1 General Industrial to B5 Business Development;
- amend the Floor Space Ratio control from 1:1 to 2.5:1;
- introduce a Height of Building control of 14m at the front of the site and 27 metres for a portion at the rear of the site; and
- remove the Foreshore Building Line that applies to this site.

This proposal has been placed on preliminary public exhibition (pre-Gateway), and was reported to the Cumberland Local Planning Panel in March 2019. The Panel provided specific advice relating to the Floor Space Ratio and Height of Building controls, and these have been included as part of the planning proposal.

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.

### **RECOMMENDATION**

---

**That Council:**

1. **Prepare a planning proposal for 2 Bachell Avenue, Lidcombe, with the following land use and built form controls:**
  - a. **B5 Business Development Zone;**
  - b. **Floor Space Ratio of 2.5:1;**
  - c. **Height of Building controls of 14 metres at the front of the site and 27 metre for a portion at the rear of the site; and**
  - d. **Removal of Foreshore Building Line that applies to the site.**
2. **Endorse that the planning proposal be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.**

## REPORT

### **Background**

The proposal was submitted to Council on 30 October 2018, seeking to amend the zoning of the site at 2 Bachell Avenue, Lidcombe from IN1 General Industrial to B5 Business Development, and associated amendments.

The intended outcomes for this planning proposal are to:

- enable a mix of business and warehouse uses and specialised retail premises;
- support a transition of the site's current industrial-only use of site to a mix of higher order employment land uses;
- provide a compatible land use and appropriate employment density for the site without threatening the economic viability of Lidcombe town centre; and
- enable the redevelopment of the site for a mix of higher order employment land uses and provide facilities or services to meet the day to day needs of workers in the area

The status of the planning proposal is provided in Figure 1.

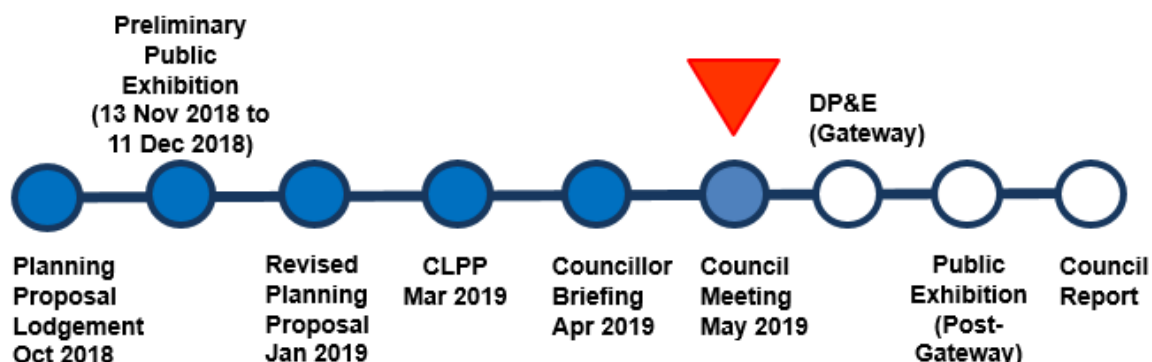


Figure 1: Planning proposal Status

### **Site Context**

The subject site is located at 2 Bachell Street, Lidcombe (Figure 2). It currently contains a freestanding warehouse with a footprint of approximately 2,500m<sup>2</sup>, currently occupied by a laundrette. The warehouse is located in the middle of the site with land on either side vacant. The site is an irregular triangular shape measuring approximately 8,738m<sup>2</sup> in area.

The site is located on the southern end of the Lidcombe East Industrial Precinct, and is adjacent to a residential area (to the west) and railway infrastructure (to the south). The site is located approximately one kilometre from Lidcombe train station.



Figure 2: The site

### ***Planning Proposal***

The planning proposal originally submitted sought to amend Auburn Local Environmental Plan 2010 by:

- rezoning the site from IN1 General Industrial to B5 Business Development;
- introducing the B5 Business Development zone into the Land Use Table;
- amending the Floor Space Ratio control for the site from 1:1 to 3:1; and
- removing the Foreshore Building Line that applies to this site.

Information on the current and proposed planning controls are provided in Figures 3 to 9.



Figure 3: Existing Zoning (IN1)



Figure 4: Proposed zoning (B5)

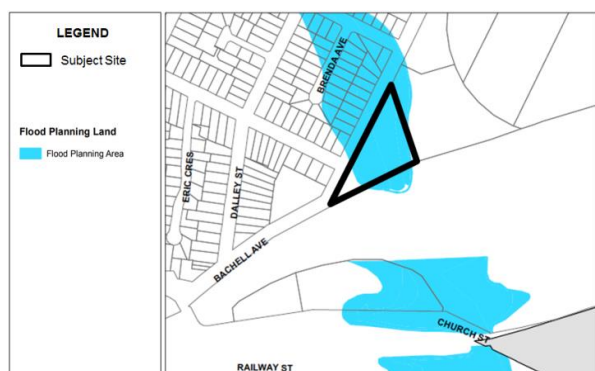


Figure 5: Existing Flood Planning Area

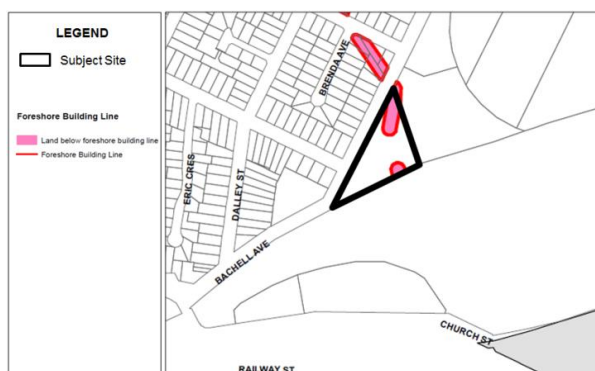


Figure 6: Foreshore Building Line

The planning proposal was reported to the Cumberland Local Planning Panel in March 2019. The Panel:

- supported the change in zoning to B5 Business Development;
- was of the view that insufficient evidence has been provided by the applicant to justify a maximum FSR of 3:1 based on the proposed mix of land uses submitted with the proposal. However, the Panel supported an increase in FSR and was of the view that an FSR of 2:1 may be more appropriate in the context of the site and surrounding land uses;
- recommended consideration should be given to including height controls over the subject site; and
- recommended, having regard to the above, the planning proposal proceed to the next stage of assessment and be reported to Council seeking a resolution to forward an amended planning proposal for a Gateway Determination.

In response to the Panel's advice, further analysis has been undertaken by Council officers on the Floor Space Ratio, and a ratio of 2.5:1 is recommended as the control for this site, as:

- the proponent's economic report indicated that a Floor Space Ratio of 2:1 would be "somewhat viable", while a Floor Space Ratio of 2.5:1 or greater was identified as viable;
- applying a Floor Space Ratio of 2:1 to the site may make redeveloping the site unattractive as additional Floor Space Ratio is required to facilitate the works that are required to realign the drainage culvert; and
- a Floor Space Ratio of 2:1 has the potential to reduce the employment yield on the site, and it is unlikely that the site would be redeveloped to the scale that would yield the quantum of jobs identified (up to 550 jobs).

Council officers have also considered Height of Building controls in response to the Panel's advice and are proposing a variable height control to reflect the indicative concept for the site. This includes a Height of Building control of 14 metres to the front of the site and 27 metres to the rear of the site, as shown in Figure 9.

The other aspects of the planning proposal remain unchanged.



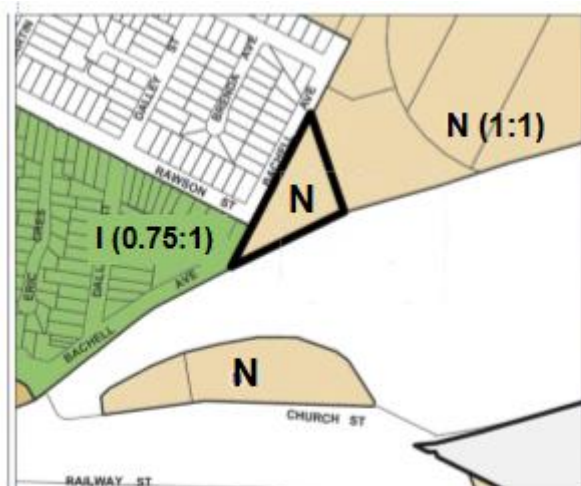


Figure 7: Existing FSR (1:1)

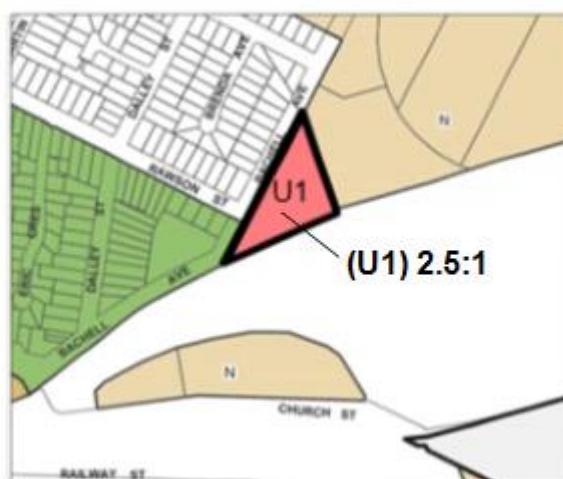


Figure 8: Recommended FSR (2.5:1)



Figure 9: Existing maximum  
Height control (no control)



Figure 10: Recommended maximum  
Height Control (N1=14m; T2=27m)

### ***Strategic Merit Assessment***

#### **State Planning Policy Framework**

There is strategic merit in progressing this planning proposal to a Gateway Determination as it is consistent the directions and planning priorities in the Greater Sydney Region Plan and the Central City District Plan.

#### **Local Planning Policy Framework**

The site is situated within Lidcombe East Industrial Precinct, as recognised in the Cumberland Employment and Innovation Lands Strategy. The vision for this precinct encourages the retention of existing industrial land uses in some areas, as well as targeting advanced manufacturing, supporting food and beverage and creative industries.

The proposal is considered to be consistent with this adopted Strategy, and there is strategic merit in progressing this proposal to the next phase of assessment. The proposed rezoning to B5 Business Development supports business and employment opportunities in the area through the provision of new and diversified floor space, as well as a range of jobs that can contribute to local job diversity.

#### Addition of the B5 Business Development zone to the Auburn LEP 2010

The Auburn LEP 2010 currently does not contain a B5 Business Development zone. The B5 Business Development Zone is a Standard Instrument zone and the planning proposal seeks the inclusion of the Holroyd LEP 2013 B5 Business Development Zone within the Auburn LEP 2010.

The objectives of the B5 Business Development zone are to:

- enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres; and
- enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

A range of land uses are permitted with consent, including: centre-based child care facilities; food and drink premises; garden centres; hardware/building landscaping supplies; light industries; neighbourhood shops; passenger transport facilities; respite day care centres; roads; self-storage units; specialised retail premises; vehicle sales or hire premises; and warehouse or distribution centres.

The B5 Business Development zone does not permit any form of residential development.

There is strategic merit in adding the B5 Business Development zone to the Auburn LEP 2010, as this land use zone is appropriate to the scope of the planning proposal and is consistent with this land use zone in the current Holroyd and Parramatta LEPs have this zone. This zoning can also be included in the new Cumberland LEP when this is prepared.

#### Traffic and Transport

A review of traffic and transport considerations indicates there is strategic merit in progressing this planning proposal to a Gateway Determination as:

- the site is approximately one kilometre from Lidcombe train station, which has direct train services to Central Sydney and Parramatta. Bus services between Lidcombe and Sydney Olympic Park (route 401) are approximately 500 metres away on Nicholas Street; and
- road network and SIDRA analysis of anticipated traffic generation found there would be a minor impact on the intersections studied as a result of the proposal.

### Flood Planning and Foreshore Building Line

Part of the site is designated as being within the flood planning area under Auburn LEP 2010; however, there is merit in progressing this proposal to a Gateway Determination. This is based on the need for any future development proposal to address Council's flood planning controls, and the proposed realignment and covering of the stormwater culvert has the potential to mitigate flood affectation of 12 neighbouring residential properties.

There is strategic merit in considering the removal of the Foreshore Building Line, as the stormwater channel that runs through the site is unlikely to be repatriated into a natural watercourse due to the urban form surrounding the site. The proposed works to the stormwater channel are also expected to result in significant local flood mitigation.

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

The planning proposal was reported to the Cumberland Local Planning Panel on 13 March 2019. The Panel recommended that this matter be reported to Council seeking a resolution to forward the planning proposal for a Gateway Determination, subject to consideration of the matters raised (Attachment 2). The planning proposal has been amended to reflect the advice provided by the Panel, as outlined in earlier sections of this report.

### ***Recommended Planning Controls***

A summary of the recommended planning controls for the proposal is provided in Table 1. This is based on a review of the proponent's planning controls by Council officers and advice from the Cumberland Local Planning Panel.

Planning Controls (Auburn LEP 2010)	Existing Controls	Proponent's Proposed Controls	Cumberland Local Planning Panel Advice	Recommended Planning Controls
Zoning	IN1 General Industrial	B5 Business Development	B5 Business Development	B5 Business Development
Height of Building	N/A	N/A	Advice for height control to be applied on site	Bachell St frontage: 12m Remainder of site: 27m
Floor Space Ratio	1:1	3:1	2:1	2.5:1
Foreshore Building Line	Present	Exclude	Exclude	Exclude

Table 1: Recommended planning controls for the proposal

### **COMMUNITY ENGAGEMENT**

The proposal was publicly exhibited for a period of 28 days from 13 November 2018 to 11 December 2018, in accordance with Cumberland Council's Planning Proposal

Notification Policy. Council received no written submissions during or after the exhibition period.

## **POLICY IMPLICATIONS**

---

Policy implications for Council are outlined in the main body of the report.

## **RISK IMPLICATIONS**

---

There are minimal risk implications for Council associated with this report.

## **FINANCIAL IMPLICATIONS**

---

There are no financial implications for Council associated with this report.

## **CONCLUSION**








---

It is recommended that the planning proposal for 2 Bachell Avenue, Lidcombe, be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination. This recommendation is being made as:

- the proposed rezoning to B5 Business Development would increase local employment and business opportunities through the provision of new and more diversified floor space;
- the proposed employment uses are anticipated to create a range of jobs that could contribute to local job diversity;
- redevelopment of the site would involve significant works to the stormwater culvert which has the potential to mitigate flood affectation of 12 neighbouring residential properties; and
- the proposal is generally consistent with the broad strategic direction set by the Central City District Plan and the Greater Sydney Region Plan, and is both compatible with and contributes to the longer term viability of the broader Lidcombe East employment precinct.

## **ATTACHMENTS**

---

1. Planning Proposal [↓](#) 
2. Report and Minutes of the CLPP Meeting - 13 March 2019 [↓](#) 
3. Traffic Report [↓](#) 
4. Urban Design Report [↓](#) 
5. Economic Analysis [↓](#) 
6. Social Impact Assessment [↓](#) 
7. Preliminary Contamination Assessment [↓](#) 



---

## Minutes of the Council Meeting 15 May 2019

Meeting commenced at 6:30pm

---

### Present:

Greg Cummings (Mayor)	Councillor
Glenn Elmore (Deputy Mayor)	Councillor
Ned Attie	Councillor (arrived 6:40pm)
George Campbell	Councillor
Steve Christou	Councillor (arrived 6:32pm)
Paul Garrard	Councillor
Ross Grove	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor (arrived 6:40pm)
Suman Saha	Councillor
Eddy Sarkis	Councillor (arrived 6:32pm)
Michael Zaiter	Councillor
Tom Zreika	Councillor
Hamish McNulty	General Manager
Melissa Attia	Director People & Performance
Daniel Cavallo	Director Environment & Planning
Brooke Endycott	Director Community Development
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

### Also Present:

Charlie Ayoub	Executive Manager Corporate Services
Carol Karaki	Governance Coordinator
Laith Jammal	Governance Administration Officer

### Opening Prayer

The opening prayer was read by Pdt Jatinkumar Bhatt from Sri Mandir Hindu Temple.

### Acknowledgement of Country

The Mayor, Councillor Cummings opened the Meeting with the following Acknowledgement of Country:

*"I would like to acknowledge the traditional owners of this land – the Darug People, and pay my respects to their elders both past and present."*

**National Anthem**

At this point in the meeting the Mayor, Councillor Cummings asked all of those in attendance to stand for the playing of the Australian National Anthem.

**Notice of Live Streaming of Council Meeting**

The General Manager, Hamish McNulty advised that the Council meeting was being streamed live on Council's website and members of the public must ensure their speech to the Council is respectful and use appropriate language.

**Apologies/Leave of Absence**

Nil

**Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**

Councillor Cummings declared a non-pecuniary, significant interest in Item C05/19-91 as he is a member of the executive committee of one of the sporting clubs which utilise Holroyd Sportsground.

---

**Confirmation of Minutes**

**Min.517            C05/19-82 Minutes of the Ordinary Meeting of Council - 1 May 2019**

**Resolved (Garrard/Christou)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 1 May 2019.

**Min. 001      Mayoral Minute - Emergency Services Levy Increase****Resolved (Cummings/Cavallo)**

That Council:

- a) Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
  - i. Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated;
  - ii. Explain how this sudden increase will impact council services / the local community;
  - iii. Highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018;
  - iv. Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector; and
  - v. Ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
- b) Send a copy of the above letter to Local Government NSW.

**Carried Unanimously**

---

**Public Forum:****Speakers on Items on the Council Meeting Agenda**

<b>Speaker</b>	<b>Item #</b>	<b>Suburb</b>
Mr Matthew Daniel	C05/19-89 - Planning Proposal for 2 Bachell Avenue, Lidcombe	Caringbah

---

**Min.519      Items by Exception****Resolved (Sarkis/Christou)**

At this time of the meeting, all items on the agenda not called for discussion were moved collectively, as shown:

That item numbers C05/19-83, C05/19-84, C05/19-85, C05/19-86, C05/19-91, C05/19-92, C05/19-93, C05/19-94, C05/19-95, C05/19-96 and C05/19-97 be moved in bulk.

---

**Min.520            C05/19-83 Quarter 3 Performance Report on the 2018-19 Operational Plan and Budget Review Statement****Resolved (Sarkis/Christou)**

That Council:

1. Receive the Quarter Three Performance Report on the Operational Plan 2018-19; and
2. Approve the revised estimates of income and expenditure for 2018-19 contained in the Quarterly Budget Review Statement.

---

**Min.521            C05/19-84 Report on Outstanding Council Resolutions****Resolved (Sarkis/Christou)**

That Council receive the report.

---

**Min.522            C05/19-85 Investment Report - April 2019****Resolved (Sarkis/Christou)**

That Council receive the April 2019 Investment Report.

**Min.523            C05/19-86 Response to Notice of Motion - Emergency Relief Fund****Resolved (Sarkis/Christou)**

That Council:

1. Place the *Draft Emergency Relief Fund Guidelines* as outlined in Attachment 1 on public exhibition for a period of 28 days.
2. Place the revised *Community Grants and Donations Policy* as outlined in Attachment 2 on public exhibition for a period of 28 days.
3. Provide a report back to Council following the conclusion of the exhibition period.

---

**Min.524            C05/19-91 Draft Holroyd Sportsground Plan of Management****Resolved (Sarkis/Christou)**

That Council:



- 
1. Place on public exhibition the *draft Holroyd Sportsground Plan of Management* for a period of 42 days, in accordance with Section 38 of the NSW *Local Government Act (1993)*.
  2. Provide a report to Council following the conclusion of the exhibition period detailing the results of submissions made along with a final version of the Plan of Management.

---

**Min.525          C05/19-92 Draft Holroyd Gardens Park Plan of Management****Resolved (Sarkis/Christou)**

That Council:

1. Place on public exhibition the draft *Holroyd Gardens Park Plan of Management* for a period of 42 days, in accordance with Section 38 of the NSW Local Government Act (1993).
2. Provide a report to Council following the conclusion of the exhibition period detailing the results of submissions made along with a final version of the Plan of Management.

---

**Min.526          C05/19-93 Removal of Power Pole at the Intersection of Blaxcell Street and Farnell Street, Granville****Resolved (Sarkis/Christou)**

That Council install a speed hump or cushion on the southern approach of the intersection of Blaxcell Street with Farnell Street at Granville to slow approaching traffic, subject to the concurrence of the Cumberland Traffic Committee.

---

**Min.527          C05/19-94 Proposed Acquisition Update - Auburn Road, Auburn****Resolved (Sarkis/Christou)**

That Council:

1. Receive and note this report.
2. Continue consultation with the property owner regarding a future purchase of the properties for Council and in the event the property owner wishes to sell at a value aligned with Council's valuation, a report be provided to Council.
3. Rescind the authorisation of expenditure from Section 7.11 (Auburn Section 94 Plan, Auburn Public Domain Fund 2007) and General Revenue Funds (2018/19 Capital Works Program) to acquire the properties at 56 and 58 Auburn Road, Auburn known as Lot 1 and Lot 2 DP 579479.

---

**Min.528            C05/19-95 Property Acquisition - 72 Edgar Street, Auburn****Resolved (Sarkis/Christou)**

That Council:

1. Seek to acquire the property located at 72 Edgar Street, Auburn known as Lot 39 DP 8800.
2. Allocate sufficient funds from the Section 7.11 Public Domain Fund of the Auburn Development Contribution Plan 2007 to acquire the property located at 72 Edgar Street, Auburn.
3. Authorise the General Manager to negotiate the acquisition of the property located at 72 Edgar Street, Auburn in accordance with the independent valuation advice received by Council.
4. In the event that the General Manager is unable to secure the property prior to auction, authorise the General Manager or his delegate to bid at the auction for the property located at 72 Edgar Street, Auburn and execute all documents associated with the purchase.
5. Give public notice of its intention to classify the land known as Lot 39 DP 8800 as Community Land in accordance with the provisions of Section 34 of the Local Government Act 1993 and complete if no adverse submissions are received.
6. Allocate funds from the capital budget for the demolition and revegetation of the property following its acquisition.

---

**Min.529            C05/19-96 Cumberland Council - Future Companion Animal Management Requirements****Resolved (Sarkis/Christou)**

That Council:

1. Note that Options 1, 2 and 3 are not financially sustainable options for Council based on current budget and expenditure levels.
2. Delegate to the General Manager to liaise further with Blacktown City Council to reach suitable terms to establish an agreement to meet Council's future companion animal management requirements.
3. Continue to explore alternative options as outlined in the report.

---

**Min.530            C05/19-97 Tender Evaluation Report - Central Gardens All Abilities Playground****Resolved (Sarkis/Christou)**

That Council:

- 
1. Accept the Tender Evaluation Panel's recommendation to award the contract to Paramount Landscaping Pty Ltd (ABN 40 003 530 201) in accordance with Clause 178(1)(a) of the Local Government (General) Regulations 2005, for \$1,086,902.57 excluding GST.
  2. Delegate to the General Manager the authority to execute the contract and any associated documents.

---

**Min.531            Suspension of Standing Orders****Resolved (Sarkis/Garrard)**

That in accordance with Clause 1.6(2) of the Code of Meeting Practice, Council suspend standing orders to allow Item C05/19-89 to be considered at this time of the Meeting.

---

**Min.532            C05/19-89 Planning Proposal for 2 Bachell Avenue, Lidcombe****Resolved (Garrard/Zaiter)**

That Council:

1. Prepare a planning proposal for 2 Bachell Avenue, Lidcombe, with the following land use and built form controls:
  - a. B5 Business Development Zone;
  - b. Floor Space Ratio of 2.5:1;
  - c. Height of Building controls of 14 metres at the front of the site and 27 metre for a portion at the rear of the site; and
  - d. Removal of Foreshore Building Line that applies to the site.
2. Endorse that the planning proposal be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.

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, Campbell, Cummings, Elmore, Garrard, Grove, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.
-------------------------------	--

Councillor(s) Against the Motion:	Nil
-----------------------------------	-----

Councillor Christou left the Meeting at 6:50pm and returned to the Meeting at 6:52pm during the consideration of this item.

---

**Min.533      C05/19-87 Draft Sister City and Friendship City Policy****Resolved (Campbell/Saha)**

That Council place the *Draft Sister City and Friendship City Policy* on public exhibition for a period of 28 days, with a report to be provided back to Council following the conclusion of the exhibition period subject to the following amendment:

2.b) Promote economic, social or cultural development outcomes for the local community, including but not limited to increased tourism, community participation, educational or learning opportunities, business or trade links, local job creation and cultural exchange.

---

**Min.534      C05/19-88 Planning Proposal for 100 Woodville Road, Granville****Resolved (Attie/Christou)**

That Council:

1. Prepare a planning proposal for 100 Woodville Road, Granville, with the following land use and built form controls:
  - a. R3 Medium Density Residential;
  - b. Floor Space Ratio of 1:1; and
  - c. Height of Building control of 12 metres.
2. Endorse that the planning proposal for 100 Woodville Road, Granville, be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.

**Carried Unanimously**

---

**C05/19-89 Planning Proposal for 2 Bachell Avenue, Lidcombe**

This item was dealt with earlier in the meeting.

---

**Min.535      Closed Session****Resolved (Garrard/Elmore)**

At this stage of the meeting being 6:55pm, the Mayor advised that in accordance with Section 10a of the Local Government Act 1993 the meeting would move into Closed Session, with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action was taken as the items listed were within the following provisions under Section 10a of the *Local Government Act*:-



---

(2) The matters and information are the following:  
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

In accordance with Council's Code of Meeting Practice, the Mayor Councillor Cummings asked the members of the public gallery if they wish to make representation prior to the meeting entering into closed session.

---

**Min.536          Open Session**

**Resolved (Attie/Garrard)**

Council returned to Open Session at 7:20pm to resolve the below Confidential Item:

C05/19-90    Planning Agreement for 615 Great Western Highway, Greystanes

---

**Min.537          C05/19-90 Planning Agreement for 615 Great Western Highway, Greystanes**

**Resolved (Lake/Hamed)**

That the matter be deferred pending further information being provided to Council.

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:	Campbell, Christou, Cummings, Elmore, Garrard, Grove, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.
-------------------------------	---

Councillor(s) Against the Motion:	Attie
-----------------------------------	-------

---

The Mayor, Councillor Cummings closed the meeting at 7:20pm.

Chairperson  General Manager 