

FOR ACTION

COUNCIL MEETING

17/04/2013

TO: Monica Cologna

Item No. 117/13
Subject: Notice of Business - Council's Planning Proposal PP-5/2011 - Rezoning of Land at Auburn Road and Susan Street, Auburn - Clr Yang
File No. T034046/2013
Notes:

MINUTE BELOW (Resolution in Bold Italics)

RESOLVED on the motion of Clr Yang, seconded Clr Oueik that in respect to the planning proposal PP-5/2011 action be undertaken to:-

- a) ***rezone the land on the eastern most side of Auburn Road (between Beatrice Street and Helena Street), Auburn from R3 Medium Density Residential zone to B4 Mixed use zone.***
- b) ***rezone the land on the western most side of Susan Street (between Beatrice and Helena Streets), Auburn from R3 Medium Density Residential zone to R4 High Density Residential.***
- c) ***amend the Auburn Local Environmental Plan 2010 as resolved by Council 20 October 2010 (Item 257/10) resolutions 'd' and 'e'.***
- d) ***otherwise proceed as per s.56(2) Gateway determination conditions issued by the DP&I, and***
- e) ***report back to the Council following public exhibition on the submissions received for adoption by Council.***

The motion was put to the vote and carried on the casting vote of the Mayor.

For: Councillors Attie, Oueik, Yang and Zraika.

Against: Councillors Batik, Campbell, Oldfield and Simms.

Note: Voting on the above motion was by way of a division.

Open Item in Minutes

This action sheet has been automatically produced by the Administration Team using **InfoCouncil**, the agenda and minutes database.

The report for this item is located in the same Container in Trim as this action.

Council's Procedure for Actions Arising from Council Decisions can be found in TRIM Document No. T010442/2011

AUBURN CITY COUNCIL

October 20, 2010
To the Ordinary Meeting of Council

Director's Report
Business and Finance
Department

257/10 Re-Submitted Item - Planning Analysis from Resolution of May 12, 2010 Extraordinary Meeting

S-57-33/Q2010-012 BC:PV

SUMMARY

The report on the above mentioned Planning Matter is re-submitted for consideration.

RECOMMENDATION

Submitted for determination

RESOLUTION

RESOLVED on the motion of Cllr Attie, seconded Cllr Anmak that Council:

1. a) *Prepare a planning proposal in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to increase the FSRs for 3A/B4 to a maximum of 5:1 within the Auburn and Lidcombe Town Centres and amend the Local Centres part of the ADCP 2010 accordingly.*
- b) *Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to increase the FSRs for 2C/R4 to a maximum of 2:1 within the Auburn LGA and amend the Residential Flat Buildings part the ADCP 2010 accordingly.*
- c) *Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to increase the height in the Auburn and Lidcombe Town Centres to a maximum 55m or equivalent to 18 stories and FSR of 8.8:1 and amend the Local Centres part of the ADCP 2010 accordingly.*
- d) *Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties that front Auburn Road eastern side from Beatrice Street to Helena Street from R3 to B4 and amend the Local Centres part of the ADCP 2010 accordingly.*
- e) *Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the*

properties that front Susan Street from Beatrice Street to Helena Street from R3 to R4 residential and amend the Residential Flat Buildings part the ADCP 2010 accordingly.

- f) *Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties fronting St Hilliers Road from Simpson Street and Dartbrook Road from Simpson to Parramatta Road excluding the existing commercial component to be consistent with the remainder of properties facing St Hilliers Road being R4 and amend the Residential Flat Buildings part the ADCP 2010 accordingly.*
 - g) *Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties that face Park Road between Raglan Road and Princess Street East to IN2.*
 - h) *Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties facing Park Road and bound by Jenkins Road and the railway line to IN2.*
- 2. *Note that a Planning Study of Regents Park Town centre and the surrounding Regents Park residential area will be prepared and brought back to Council in 2011.*
 - 3. *Note that a planning study of Berala Town Centre and the surrounding Berala residential area will be prepared and brought back to Council in 2011."*

COMMENTS BY GENERAL MANAGER

At its meeting of September 28, 2010 Council resolved (refer Minute 231/10):

".....that further consideration of the matter be deferred to enable the details of the subject motion to be distributed to all Councillors."

To facilitate the Council's subsequent consideration of this matter, a copy of the report on the subject issue which was submitted to the previous meeting of Council as Item 231/10 is provided as an attachment.

It is to be noted that the relevant motion appears on pages 4/5 of the Minutes of the Meeting of September 28, 2010 and was as follows:-

"Moved Cllr Attie, seconded Cllr Anmak that Council:

- 1. a) Prepare a planning proposal in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to increase the FSRs for 3A/B4 to a maximum of

5:1 within the Auburn and Lidcombe Town Centres and amend the Local Centres part of the ADCP 2010 accordingly

- b) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to increase the FSRs for 2C/R4 to a maximum of 2:1 within the Auburn LGA and amend the Residential Flat Buildings part the ADCP 2010 accordingly
 - c) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to increase the height in the Auburn and Lidcombe Town Centres to a maximum 55m or equivalent to 18 stories and FSR of 8.8:1 and amend the Local Centres part of the ADCP 2010 accordingly
 - d) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties that front Auburn Road eastern side from Beatrice Street to Helena Street from R3 to B4 and amend the Local Centres part of the ADCP 2010 accordingly
 - e) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties that front Susan Street from Beatrice Street to Helena Street from R3 to R4 residential and amend the Residential Flat Buildings part the ADCP 2010 accordingly
 - f) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties fronting St Hilliers Road from Simpson Street and Dartbrook Road from Simpson to Parramatta Road excluding the existing commercial component to be consistent with the remainder of properties facing St Hilliers Road being R4 and amend the Residential Flat Buildings part the ADCP 2010 accordingly
 - g) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties that face Park Road between Raglan Road and Princess Street East to IN2.
 - h) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning & Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties facing Park Road and bound by Jenkins Road and the railway line to IN2.
2. Note that a Planning Study of Regents Park Town centre and the surrounding Regents Park residential area will be prepared and brought back to Council in 2011.
3. Note that a planning study of Berala Town Centre and the surrounding Berala residential area will be prepared and brought back to Council in 2011."

ATTACHMENT

Extract from Business Paper for Meeting of September 28, 2010

SUMMARY

This report contains a summary of a series of Planning Analyses which respond to resolutions made at the 12th May 2010 Extraordinary Council meeting.

RECOMMENDATION

That Council receive and note this report.

REPORT

At an Extraordinary Meeting on 12th May 2010 (Item 116B/110), Council resolved to adopt the Auburn LEP 2010, Auburn DCP 2010 and Public Domain Plans. Council also resolved the following:

1. *That Council undertake the necessary planning analysis as indicated and amend the Draft Management Plan 2010/2011 to reflect the following:*
 - a) *Carry out appropriate planning analysis with a view to increase the FSRs for 3A/B4 to a maximum of 5:1 within the Auburn LGA Town Centre.*
 - b) *Carry out appropriate planning analysis with a view to increase the FSRs for 2C/R4 to a maximum of 2:1 within the Auburn LGA.*
 - c) *Carry out appropriate planning analysis with a view to increase the height in the Auburn and Lidcombe Town Centres to a maximum 56.5m or equivalent to 18 stories and relevant FSR.*
 - d) *Carry out appropriate planning analysis with a view to rezoning the properties that front Auburn Road eastern side from Beatrice Street to Helena Street from R3 to B4 as per the Auburn Town Centre.*
 - e) *Carry out appropriate planning analysis with a view to rezoning the properties that front Susan Street from Beatrice Street to Helena Street from R3 to R4 residential.*
 - f) *Carry out appropriate planning analysis with a view to rezoning the properties fronting St Hilliers Road from Simpson Street to be consistent with the remainder of properties facing St Hilliers Road being R4.*

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- a) *Carry out appropriate planning analysis with a view to rezoning the properties that face Park Road between Raglan Road and Princess Street East to IN2.*
- b) *Carry out appropriate planning analysis with a view to rezoning the properties facing Park Road and bound by Jenkins Road and the railway line to IN2.*
2. *That Council resolve to immediately prepare a planning study of Regents Park Town Centre and the surrounding Regents Park residential area to determine what opportunities exists to revitalise the town centre and to provide new residential housing opportunities in the surround area including the area bound by Amy Street, the Chullora Goods Railway line, the Sydney water pipeline and Kingsland Road.*
3. *That Council resolve to immediately prepare a planning study of Berala Town Centre and the surrounding Berala residential area to determine what opportunities exists to revitalise the town centre and to provide new residential housing opportunities in the surround area.*

SUMMARY OF PLANNING RESPONSE TO EACH RESOLUTION

Part Resolutions 1(a) and 1(c) relating to FSRs and building heights in the Auburn and Lidcombe Town Centres

These two resolutions relate to the possibility of increasing the maximum floor space ratios (FSRs) and maximum building heights within the Auburn and Lidcombe Town Centres. Specifically, they instruct appropriate planning analysis be carried out to increase the maximum FSR to 5:1 and the maximum building height to 56.5m or 18 storeys.

To complete this analysis, two separate analyses were required. Firstly, Council commissioned Gabrielle Morrish Urban Design (GMU) to address the urban design issues which can be found in their Urban Design Density Study (refer to Attachment 1). Secondly, an internal analysis has been prepared by the Strategy Unit to address the strategic planning considerations (ie. those planning issues which exclude urban design considerations). This is held in Attachment 2 to this report.

Urban Design Density Study by GMU

GMU were commissioned by Council to carry out an urban design assessment to assess the implications of increasing the maximum FSR to 5:1 and maximum building height to 56.5m or 18 storeys.

In this analysis, GMU considers two approaches to the FSR and height increases. The first approach entitled "Approach 1" considers a 5:1 FSR and 56.5 metre height limit across the entire Town Centre area (ie. the area being zoned B4 Mixed Use in the forthcoming ALEP 2010). The second approach entitled "Approach 2" considers transitional height, with the 56.5 metres (18 storeys) height in the core of the centre transitioning down to the edges of the B4 Mixed Use zone with surrounding residential zones.

This analysis has concluded the following:

- Approach 1 presents numerous impacts in terms of:
 - amenity and solar access to the public domain and adjoining land owners;
 - uneven built form and height disparities between developed lots and the low scale development;
 - overshadowing of the public domain and potential "wind wash" effects.

Overall, this approach may create a difficult environment for pedestrians, particularly during winter. This approach was not favoured by the consultant.

- In terms of Approach 2, it provides a more positive outcome because it would be limited in its application across the centre.
- That an increase in height and/or FSR would result in the need for new controls for the Local Centres as part of the forthcoming Auburn DCP 2010. This would require an additional urban design consultancy.

Strategic Planning Analysis

An internal analysis has been undertaken to carry out strategic planning analysis of the proposed increases to the Town Centre maximum FSRs and heights.

This analysis has concluded the following:

- The Department of Planning's Subregional Strategies allocate a hierarchy for all centres across metropolitan Sydney area. The *West Central Subregion Draft Subregional Strategy* (WCDSS) categorised the Auburn and Lidcombe centres as 'Town Centres' and the proposed FSR and height increases do not appear to be consistent with other centres which also have a 'Town Centre' category. The proposed FSRs/heights are more conducive to the Strategic Centre categories such as 'Major Centre', 'Regional Centre' and 'Specialised Centre'.

- Economic work undertaken by AEC Consultants to inform the Auburn Town Centre Strategy 2031 says that increasing the development standards (ie. maximum FSRs and maximum building heights may be detrimental to the growth of the Town Centres.
- Council's Dwelling Target Analysis demonstrates that no increases in building envelope controls are necessary to meet the dwelling growth espoused in the WCDSS. The Department of Planning has instructed Council that draft LEPs must be consistent with the growth stipulated in the WCDSS.

Part Resolutions 1(b) relating to the Floor Space Ratio for Residential Flat Building Development in the R4 zone

Resolution 1(b) was investigated by GMU to interrogate the appropriateness of increasing the floor space ratio (FSR) for residential flat building development in the R4 zone from 1.4:1 to 2:1.

The conclusion of this work has found that the increase in FSR will:

- Significantly increase overshadowing to adjoining properties.
- Significantly impact on land where the R4 High Density zone adjoins the R2 Low Density and R3 Medium Density zones. In these locations, the building bulk between the two zones will be substantially different.
- Increase building bulk that would not fit within the available building envelope.
- Cause units to look directly at 18 metre walls, close to boundaries.
- Create a staggered and uneven streetscape where odd sites have 6 storey buildings next to 2 to 3 storey buildings.
- Create privacy issues where taller development overlooks one and two storey development.
- The increase in FSR is not supported by GMU.

The analysis also found that the work undertaken by Caldis Cook in April 2009 which increased the existing FSR from 1.2:1 to 1.4:1 for residential flat building development was robust. Specifically, it notes that the 1.4:1 FSR and height of 16 metres (4 storeys) "allows for a variety of different building configurations that can achieve positive amenity" (p.8). As such, GMU's work concludes that keeping the 1.4:1 FSR as held in the forthcoming Auburn LEP 2010 is appropriate.

It is therefore conclusive that an increase in FSR to 2:1 investigated in Council's Urban Design Analysis (2009) by Caldis Cook, and more recently in GMU's Urban Design Density Study, is not favoured.

Part Resolutions 1(d) and 1(e) relating to land bounded by Beatrice, Susan and Helena Streets and Auburn Road, Auburn.

An internal Planning Analysis has looked at these two resolutions concurrently over this block. This analysis can be found at Attachment 3.

In relation to the application of the B4 Mixed Use zone over the western portion of the subject land, the Planning Analysis has concluded the following:

- It would undermine the Auburn Town Centre Strategy 2031 vision.
- It would create an island zone which is not supported by the Department of Planning.
- It would affect the legibility of the Auburn Town Centre.
- It would reduce the capacity for commercial development to be realised because of the narrowness of the lots.
- It is not justified to apply to the zone on the basis that some commercial uses exist on this western portion.
- Strategic analysis does not support this proposal. As such, it is difficult to assess the proposal against the Department's Planning Proposal guidelines.

In relation to the application of the R4 High Density Residential zone over the eastern portion of the block, the Planning Analysis has concluded the following:

- It would create an island zone which is not supported by the Department of Planning.
- The upzoning is not supported by the Dwelling Target Analysis and hence would be difficult to justify at the Planning Proposal stage.
- Strategic analysis does not support this proposal. As such, it is difficult to assess the proposal against the Department's Planning Proposal guidelines.

Part Resolutions 1(f) relating to properties fronting St Hilliers Road from Simpson Street to be consistent with the remainder of properties facing St Hilliers Road, Auburn

An internal Planning Analysis has been undertaken to determine the appropriateness of applying the R4 high Density Residential zone to this land. This analysis can be found at Attachment 4.

The Planning Analysis has concluded that the R4 High Density zone:

- Would well suit the subject land because four substantial sites comprise residential flat buildings (three of which are strata-subdivided and are unlikely to be redeveloped in the mid to long term).
- Would contribute to a consistent frontage of residential flat building development on the western side of St Hilliers Road.
- Is a better outcome than the B6 Business Enterprise zone because existing residential flat buildings are prohibited use in the B6 zone.
- Would be applied to the subject site which is predominantly caught by the 800 metre radius from the Auburn Rail Station. Therefore, the use is consistent with its proximity to the Rail Station and urban renewal objectives.

Part Resolutions 1(g) relating to properties fronting Park Road (between Raglan Rd and Princess St East, Auburn)

An internal Planning Analysis has been undertaken to determine the appropriateness of applying the IN2 Light Industrial zone to this land. This analysis can be found at Attachment 5.

The Planning Analysis has concluded that the IN1 General Industrial zone is appropriate for the following reasons as this zone would:

- Consolidate the land zoned General Industrial in this vicinity and square off the area.
- Make Park Road the bisecting instrument between the residential and industrial zones rather than the two incompatible uses sharing property boundaries.
- Cease any continuation of the of an "island zone" which currently exists with the 2(b) (or forthcoming R3 zone).

Part Resolutions 1(h) relating to properties fronting Park Road (between Jenkins Rd and the railway line, Regents Park)

An internal Planning Analysis has been undertaken to determine the appropriateness of applying the IN2 Light Industrial zone to this land. This analysis can be found at Attachment 6.

The Planning Analysis has concluded that the IN2 Light Industrial zone:

- Would resolve the "island zoning" of residential land – which is a form of zoning generally not supported by the Department of Planning. Extending the IN2 zone which is presently over adjoining Railcorp land – as per the ALEP 2010 - over the subject land would make the future uses on the land consistent with the predominant industrial uses in this vicinity.
- Would remove any amenity impacts between two incompatible zones and their shared boundary.
- Would better suit the road network – specifically, this section of Park Road that carries nearly 14,000 vehicles per day, much of which is truck traffic.

Resolutions 2 and 3 relating to Small Village Studies

Work has commenced on the Small Village Studies for Regents Park and Berala. A Councillor briefing session is anticipated to be held before the end of the year. The exhibition of Draft Small Village Studies is anticipated in the first quarter of next year.

PLANNING PROPOSAL PROCESS

Should Council resolve to proceed to a planning proposal, the following process is applicable (Gateway):

1. Council resolves to amend the forthcoming ALEP 2010 and prepare a Planning Proposal.
2. Council staff to prepare a PP in accordance with the Department of Planning's Planning Proposal guidelines.
3. Council considers the PP and resolves to forward the PP to the Minister of Planning.
4. The PP is assessed by the Department of Planning ("the Department").
5. The PP is assessed by the LEP Panel and makes a recommendation to the Department. This may include a direction to carry out further studies.
6. The PP proceeds to the gateway. A determination is made to proceed or not proceed. (Where a determination is made to not proceed, the process ends here).
7. Consultation with state agencies occurs.
8. The DG then approves the PP for community consultation.
9. Exhibition of the PP occurs.
10. A public hearing occurs (as Council owns land within the Town Centre).
11. Council considers submissions and resolves to adopt the PP.
12. The Final PP is assessed by the Department.
13. The Department arrange the legal instrument to be prepared in consultation with Council.
14. The Plan is made by the Minister.

CONCLUSION

In conclusion the subject information and planning analysis (and the analyses provided in the Attachments) have been prepared for each resolution for Council's consideration.

October 20, 2010
To the Ordinary Meeting of Council

Director's Report
Business and Finance
Department

Re-Submitted Item - Planning Analysis from Resolution of May 12, 2010 Extraordinary
Meeting (Cont'd.)

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ATTACHMENTS (previously circulated to Councillors on 24th September 2010 under separate cover)

Attachment 1 – GMU Urban Design Density Study

Attachment 2 – Planning Analysis: Auburn / Lidcombe Town Centres

Attachment 3 – Planning Analysis: Land bounded by Auburn Road and Beatrice, Susan and Helena Streets, Auburn.

Attachment 4 – Planning Analysis: Land fronting St Hilliers Road, Auburn.

Attachment 5 – Planning Analysis: Land at Park Road, between Raglan Street and Princes Street East, Auburn.

Attachment 6 – Planning Analysis: Land at Park Road, between Jenkins Street and Railway line, Regents Park.