

# Appendix 1: Minutes and Report of CM 6 July 2016 (Item 047/16)

**047/16****Cumberland Council****North Auburn Planning Proposal**

Responsible Department:	Development, Environment and Infrastructure
Officer:	Monica Cologna
File Number:	PP-4/2012
Delivery Program Code:	2a.2.2.3 - Prepare Planning Proposals and Amend the LEP

**Summary:**

This report presents the outcomes of consultant work that has been undertaken to inform the North Auburn Planning Proposal (PP-4/2012), and recommends proceeding with an amended proposal. The planning proposal, which was initiated by the former Auburn City Council, seeks to rezone land within the North Auburn Precinct from R3 Medium Density Residential to R4 High Density Residential. The planning proposal also includes bonus height and floor space ratio controls (applicable within this precinct) as an incentive for the delivery of a 2,500m<sup>2</sup> public park.

The Department of Planning and Environment has issued a Gateway Determination to proceed subject to conditions (March 2015). Based on the findings of an urban design and feasibility-testing study undertaken by a consultant to test the proposed bonus provisions, this report recommends not proceeding with that component of the planning proposal.

The Planning Proposal was reported to the Cumberland Independent Hearing and Assessment Panel (CIHAP) on 16 June 2016, in accordance with Council's policy. The CIHAP supported the Council officer's recommendation, and recommended that the planning proposal be amended to delete the proposed bonus FSR/height provisions (0.3:1 FSR; 25m height) and open space requirement (2,500m<sup>2</sup> public park) and proceed to Council seeking a resolution to progress accordingly.

The report also recommends that Council then forward it to the Department of Planning and Environment for a revised Gateway Determination and Delegation to exhibit the proposal, and proceed with the making of the *Auburn Local Environmental Plan 2010 (Amendment No.20)*.

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## Report:

### 1. The Site



Figure 1 - The subject land



Figure 2 - subject land (ALEP 2010 zoning)

The planning proposal applies to the land (subject land) shown in Figure 1, outlined in black. Figure 2 shows the existing R3 – Medium Density Residential zoning of the site under Auburn Local Environmental Plan 2010 (ALEP 2010).

### 2. Background

The Planning Proposal applies to land bound and included by St. Hilliers Road, Simpson Street, Macquarie Road, and residential land south of Parramatta Road, Auburn.

The planning proposal seeks an amendment to ALEP 2010 to:

- (a) rezone the site from R3 Medium Density Residential to R4 High Density Residential;
- (b) increase the height of buildings control from 9 metres to 18 metres, and 20 metres on corner sites, consistent with Council's maximum height control for the R4 zone; and
- (c) increase the floor space ratio control from 0.75:1 to 1.7:1, and 2:1 on corner sites, consistent with Council's approach to corner sites in the R4 High Density Residential zone in other areas of the LGA.

The Council resolution of 15 October 2014 [Item 325/14, Attachment 3] also included a bonus height and FSR provision with the intent of increasing public open space within this precinct:

".....(d) Provide a suitable bonus for the following:

#### i. Open Space

Increase the height of properties zoned R4 to a maximum of 25 metres and additional FSR of 0.3:1 over and above the standard R4 FSR controls in

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return for the adequate provision of a public open space no less than 2500m<sup>2</sup> in size. The area under the open space not exceeding 75% may be used in the provision of basement car parking for the adjoining development seeking the bonus; and

ii. Through site connection with Open Space

Additional floor space equivalent to the area forgone being dedicated being a minimum of 6 metres from the boundary to provide a suitable through site link to the proposed public open space. The connection is to provide a through block connection and located opposite the public space in the same block.....".

On 29 January 2015, Council prepared and lodged a planning proposal with the Department of Planning and Environment for a Gateway Determination. A summary of the history of this planning proposal is provided in Attachment 7.

### 3. Gateway Determination

On 20 March 2015, the Department of Planning and Environment issued a Gateway Determination for the planning proposal (**Attachment 4**), and requested that Council proceed subject to conditions, as follows:

- "1. Prior to exhibition/consultation, Council is to:
  - (a) review Council's draft Auburn LGA Traffic and Transport Study (2013 - Hyder Consulting Pty Ltd) and provide supplementary advice supporting the contention that the proposal is unlikely to generate significant traffic or transport impacts. This supplementary advice is to form part of the exhibition material; and
2. Council to amend the relative section of the Auburn Development Control Plan 2010 to address the Planning Proposal and place this draft amendment on exhibition with the Planning Proposal."

Council engaged consultants to address these conditions.

On 16 April 2016, in response to a request from Council staff, the DP&E issued a revised Gateway Determination for this planning proposal to extend the timeline until 27 September 2016 (Attachment 5 of this report).

### 4. Department's Written Authorisation to Exercise Delegation

The Minister of Planning's Delegate has issued Council with a 'Written Authorisation to Exercise Delegation' (with the Gateway Determination) to make this plan.

### 5. Traffic And Transport (HYDER)

Hyder Consulting (Hyder) was commissioned to undertake and test the traffic, transport and modelling assessment work for the proposal to address condition 1(a) of the Department's Gateway Determination. The traffic and transport impacts of the planning

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proposal were assessed in the context of work Hyder had already undertaken on the *Auburn LGA Traffic and Transport Study (September 2013) (Attachment 1)*.

The study investigated the likely impact of the proposal on three key intersections:

1. Parramatta Road / Silverwater Road / St Hilliers Road
2. St Hilliers Road / Rawson Street
3. Parramatta Road / Rawson Street / Duck Street

The study found that the traffic and transport impacts that would be created as a result of the North Auburn Planning Proposal would be minor.

### **6. North Auburn Site Specific Controls (AECOM)**

AECOM Pty Ltd (AECOM) was commissioned to undertake modelling and testing of nominated sites within the North Auburn precinct to address condition 2 of the Gateway Determination (Attachment 4).

The objective of this study (in addressing the Gateway Determination) was to:

- prepare and test two development scenarios ('standard' and 'feasible') focussing on one mid-block site and one corner site, to understand whether the proposed bonus controls were sufficient to incentivise the delivery of a 2,500m<sup>2</sup> public park, and if not, determine the level of controls that would be needed to make this feasible;
- draft proposed amendments to *Auburn LEP 2010* and *Auburn Development Control Plan 2010* that could be applied to the precinct;
- identify other potential locations of open space and their feasibility; and
- outline the development feasibility of the scenarios and the extent of redevelopment required to deliver a new park in the precinct.

The majority of lots (approximately 70%) within the North Auburn Precinct are affected by strata subdivision, and contain residential flat buildings (figure 3). Figure 4 shows the sites (A to H) that were tested in the AECOM study. These sites were selected from the remaining 30% of the precinct which was not strata subdivided. Sites D, E, G and H were identified as being most suitable for the provision of a park. Individually, each of these sites is smaller than the proposed 2,500m<sup>2</sup> that Council wished to achieve via their resolution.



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Figure 3: Strata-titled land



Figure 4: Sites nominated for testing  
(AECOM, Oct 2015, p.10)

AECOM considered several possible development scenarios using the bonus controls (additional 0.3:1 FSR and an additional 7m building height) specified in Council's resolution, that were proposed as an incentive for the provision of a 2,500m<sup>2</sup> public park. High level feasibility testing was carried out on these scenarios (Attachment 2).

The key findings of the AECOM study indicate that:

- The proposed bonus controls for development that provides a 2,500m<sup>2</sup> public park do not provide sufficient incentive to achieve that development outcome.
- If Council were to provide economically viable bonus height and floor space ratio controls for development that provides a 2,500m<sup>2</sup> public park, these controls would be likely to result in development that has undesirable impacts on the surrounding properties and the streetscape. [It is noted that the majority of surrounding development is strata subdivided 3-4 storey flat buildings which are unlikely to be redeveloped in the short to medium term].
- If Council wishes to facilitate a park within the North Auburn precinct through bonus height and floor space ratio incentives, then a 1,500m<sup>2</sup> space would be more achievable. However, a 1,500m<sup>2</sup> park is relatively small, and it would be smaller than nearby Bardo Park (1,900m<sup>2</sup>). The utility of obtaining another small park in this area is questionable, given the proximity of the precinct to Auburn Park and Bardo Park, which are both within 400m of most dwellings in the precinct (refer to Figure 5).
- If car parking was allowed under the park, this would have an impact on the amenity of the park and raise potential liability issues for Council. Generally, Council would not accept dedication of land that has car parking built underneath it.
- It is also noted that the majority of the subject area is currently characterised by R4 style development (residential flat buildings), and that rezoning the area from R3 to R4 would bring the zoning into alignment with the predominant existing type of development.
- Removing the proposed bonus provisions from the planning proposal would still allow sites within the precinct to be redeveloped for residential flat buildings and other uses permitted under the R4 High Density Residential zone once the proposal is finalised.

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Figure 5: Parks within 400m of the North Auburn precinct

### 7. Cumberland Independent Hearing And Assessment Panel (CIHAP)

The Cumberland Council Independent Hearing and Assessment Panel (CIHAP) has delegation to make recommendations on Planning Proposals for Council's consideration.

On 16 June 2016, the CIHAP considered a report on this planning proposal, and recommended that the planning proposal be amended to delete the proposed height and FSR bonus provisions of 25m and 0.3:1 respectively, and delete the corresponding requirement to provide a 2,500m<sup>2</sup> public park (Attachment 6).

### 8. Next Steps

If Council resolves to proceed with this planning proposal with amendments as recommended, it would be revised accordingly, and forwarded to the Department of Planning and Environment for a revised Gateway Determination and Delegation.

When the Department of Planning and Environment issues a revised Gateway Determination and Delegation for the revised planning proposal, Council would then exhibit the Auburn Local Environmental Plan (Amendment No.20) under section 57 of the Environmental Planning and Assessment Act 1979, and proceed with the plan making process.

### Conclusion:

This report recommends that Council amend the planning proposal to remove the proposed bonus provisions for a residential development that provides a 2,500m<sup>2</sup> public park and through site link, and proceed only with the rezoning of this land from R3 Medium Density Residential to R4 High Density Residential zone so that the zone for this area reflects the predominant development form that currently exists in this precinct.

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Council recently resolved to approve an amendment to the Auburn City Operational Plan 2015/16 to incorporate the upgrade of Auburn and Bardo Parks (December 2015 [Item 295/15]), with \$4,300,000 of funding allocated. These upgrades will significantly renew and improve the facilities of both of these parks, and increase their capacity to support greater use by residents. This is both consistent with the recommendation of an earlier Council report (October 2014 [Item 325/14]), and is considered to be the most appropriate solution for open space in this precinct given the constraints to acquisition of land by Council as outlined in this report.

Removing the proposed bonus provisions from the planning proposal would still allow sites within the precinct to be redeveloped for residential flat buildings and other uses permitted under the R4 High Density Residential zone once the proposal is finalised. The R4 height and FSR controls proposed (including for corner sites) are consistent with Council's standard R4 High Density Residential controls under the *Auburn LEP 2010*, and are generally commensurate with the density which currently exists in the majority of this precinct.

### Report Recommendation:

- i) That Council receive and note the attached consultant reports on traffic (Attachment 1) and site specific controls (Attachment 2), and the recommendations of the Cumberland Council Independent Hearing and Assessment Panel (CIHAP) (Attachment 6).
- ii) That Council proceed with the Planning Proposal for the North Auburn Precinct to rezone the subject land from R3 Medium Density Residential to R4 High Density Residential and to increase the height of buildings control from 9 metres to 18 metres, with 20 metres on corner sites, and increase the floor space ratio control from 0.75:1 to 1.7:1, and 2:1 on corner sites accordingly, in line with the standard R4 controls under Auburn Local Environmental Plan 2010, with the following amendments:
  - a) the proposed height and FSR bonus provisions of 25m and 0.3:1 respectively, and the corresponding requirement to provide a 2,500m<sup>2</sup> public park including a proposed through-site connection in the North Auburn precinct be deleted.
- iii) That Council forward the revised Planning Proposal (revised as per 2. above) to the Department of Planning and Environment seeking a revised Gateway Determination and Delegation to exhibit the planning proposal, and then proceed with the finalisation of Auburn Local Environmental Plan 2010 (Amendment No.20).

### Council Resolution

Moved and declared carried by the Administrator:

- i) That Council receive and note the attached consultant reports on traffic (Attachment 1) and site specific controls (Attachment 2), and the recommendations

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of the Cumberland Council Independent Hearing and Assessment Panel (CIHAP) (Attachment 6).

- ii) That Council proceed with the Planning Proposal for the North Auburn Precinct to rezone the subject land from R3 Medium Density Residential to R4 High Density Residential and to increase the height of buildings control from 9 metres to 18 metres, with 20 metres on corner sites, and increase the floor space ratio control from 0.75:1 to 1.7:1, and 2:1 on corner sites accordingly, in line with the standard R4 controls under Auburn Local Environmental Plan 2010.
- iii) That the proposed height and FSR bonus provisions of 25m and 0.3:1 respectively, and the corresponding requirement to provide a 2,500m<sup>2</sup> public park including a proposed through-site connection in the North Auburn precinct be deleted.
- iv) That Council forward the revised Planning Proposal (revised as per ii) above) to the Department of Planning and Environment seeking a revised Gateway Determination and Delegation to exhibit the planning proposal, and then proceed with the finalisation of Auburn Local Environmental Plan 2010 (Amendment No.20).

### Attachments:

1. Supplementary Advice by Hyder Consulting (August 2015 - T087849/2015)
2. North Auburn Site Specific Development Controls by AECOM (October 2015) - T115757/2015
3. Council minutes and report of 15 Oct 2014 - T002558/2016
4. Gateway Determination - PP-4/2012 - Rezoning of Land at North Auburn - T028202/2015
5. Revised Gateway Determination - T033825/2016
6. Report and Minutes of CIHAP Meeting dated 16 June 2016 - T057063/2016
7. History of North Auburn Planning Proposal chronology PP-4/2012\_Appendix 7 - T057467/2016



## Appendix 2: Minutes and Report of CIHAP 16 June 2016 (Item C003/16)

### Minutes of the Cumberland Independent Hearing and Assessment Panel – 16 June 2016

Accessibility and Traffic	\$6,931.13
Administration	\$2,663.84
TOTAL	\$46,129.28

Development Contributions are payable in accordance with Auburn Council's Council's Section 94 Development Contribution Plan 2007, which has been prepared under Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

The amounts payable will be adjusted in accordance with the section titled Review of Contribution rates and are generally indexed on a quarterly basis by the Consumer Price Index CPI (all Groups Sydney) unless otherwise stated in the plan.

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of any Construction Certificate.

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at [www.auburn.nsw.gov.au](http://www.auburn.nsw.gov.au).

**Reason:-** To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions and to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

For: Ms J. Walsh, Mr S. McDonald and Mr P. Moulds AM.

Against: Nil.

### ITEM C003/16 - NORTH AUBURN PRECINCT PLANNING PROPOSAL

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel (CIHAP):

1. Receive and note the supplementary advice on traffic and transport from Hyder (Attachment 1), and the report on site specific controls for the planning proposal prepared by AECOM (Attachment 2);
2. Recommend that the planning proposal for the North Auburn precinct to rezone the subject land from R3 Medium density residential to R4 High Density Residential and associated development controls be amended to delete the proposed height and FSR bonus provisions of 25m and 0.3:1 respectively, and delete the corresponding requirement to provide a 2,500m<sup>2</sup> public park in the North Auburn precinct; and
3. Recommend that this Planning Proposal, once amended as per 2 above, be reported to Council seeking a resolution to revise the planning proposal accordingly, and forward it to the Department of Planning and Environment for a revised Gateway Determination and Delegation to exhibit the Auburn Local Environmental Plan (Amendment No.20).

For: Ms J. Walsh, Mr S. McDonald and Mr P. Moulds AM.

Minutes of the Cumberland Independent Hearing and Assessment Panel - 16 June 2016

Against: NII.

The meeting terminated at 12:49 p.m.

Signed:

A handwritten signature in black ink, appearing to read "Juni Swan", is written above the title "Chairperson".

Chairperson

**003/16****Cumberland Council****North Auburn Precinct Planning Proposal**

Responsible Department: Development Environment & Infrastructure  
 Officer: Monica Cologna  
 File Number: PP-4/2012  
 Delivery Program Code: ACC - 2a.2.2.3 - Prepare Planning Proposals and Amend the LEP

<b>Application lodged</b>	N/A. Prepared in response to Council's resolution of 15 October 2014 [Item 325/14].
<b>Applicant</b>	Council-initiated planning proposal
<b>Application No.</b>	PP-4/2012
<b>Description of Land</b>	North Auburn Precinct - land bound and included by St. Hilliers Road, Simpson Street, Macquarie Road, and residential land south of Parramatta Road, Auburn.
<b>Proposal</b>	Seeks to rezone land within the North Auburn precinct (described above) from R3 Medium Density Residential to R4 High Density Residential, and amend the principal development standards (FSR and building height) accordingly.
<b>Site Area/description</b>	The subject land is rectangular in shape, includes 9.5 hectares in area (95,000m <sup>2</sup> ), and is predominantly (70%) occupied by 1960s era two, three and four storey residential flat buildings. The balance 30% of the subject land is occupied by a mix of old and new single/detached dwellings. The site is predominantly privately owned with a few state owned properties.
<b>Existing Zoning</b>	<b>R3 - Medium Density Residential</b>
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	No

**SUMMARY**

This report presents the outcomes of consultant work that has been undertaken to inform the "North Auburn" Planning Proposal (PP-4/2012), and recommends proceeding with an amended proposal. The planning proposal, which was initiated by Council, seeks to rezone land within the North Auburn precinct from R3 Medium Density Residential to R4 High Density Residential.

In late 2014, the former Auburn City Council resolved (amongst other things) that the Auburn Local Environmental Plan 2010 should be amended to provide bonus height and floor space ratio controls applicable within the North Auburn Precinct as an incentive for the delivery of a 2,500m<sup>2</sup> public park and a through site connection [Item 325/14].

In March 2015, the department of Planning and Environment issued a Gateway Determination to proceed subject to conditions. Based on the findings of an urban design and feasibility-testing study undertaken by a consultant to test the proposed

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bonus provisions, this report recommends not proceeding with that component of the planning proposal. While the consultant study canvassed other options, such as providing increased bonus provisions in return for a smaller park, Council staff do not consider these to be desirable, for the reasons outlined in the report (discussion at section 4.4). It is recommended that Council proceed with the rezoning component of this planning proposal only, which would result in the application of the standard R4 High Density controls under *Auburn LEP 2010* to this precinct, thereby having the zone reflect the predominant existing development type within this area.

## LOCALITY PLAN



Figure 1 – subject land

The planning proposal applies to the land (subject land) shown in Figure 1 above, outlined in black. Figure 2 (below) shows the existing R3 – Medium Density Residential zoning of the site under *Auburn Local Environmental Plan 2010* (ALEP 2010).



Figure 2 – subject site (ALEP 2010 zoning)



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## REPORT

## 1. BACKGROUND

On 15 October 2014 [Item 325/14], the former Auburn City Council resolved to prepare a planning proposal for the 'North Auburn Precinct' (refer to Attachment 3 for a copy of the Council report and minutes of that meeting).

The Planning Proposal applies to land bound and included by St. Hilliers Road, Simpson Street, Macquarie Road, and residential land south of Parramatta Road, Auburn.

The planning proposal seeks an amendment to *Auburn LEP 2010*:

- (a) to rezone the site from R3 Medium Density Residential to R4 High Density Residential;
- (b) to increase the height of buildings control from 9 metres to 18 metres, and 20 metres on corner sites, consistent with Council's maximum height control for the R4 zone; and
- (c) to increase the floor space ratio control from 0.75:1 to 1.7:1, and 2:1 on corner sites, consistent with Council's approach to corner sites in the R4 High Density Residential zone in other areas of the LGA.

The Council resolution of 15 October 2014 [Item 325/14] also included a bonus height and FSR provision with the intent of increasing public open space within this precinct:

**".....(d) Provide a suitable bonus for the following:**

**i. Open Space**

***Increase the height of properties zoned R4 to a maximum of 25 metres and additional FSR of 0.3:1 over and above the standard R4 FSR controls in return for the adequate provision of a public open space no less than 2500m<sup>2</sup> in size. The area under the open space not exceeding 75% may be used in the provision of basement car parking for the adjoining development seeking the bonus; and***

**ii. Through site connection with Open Space**

***Additional floor space equivalent to the area forgone being dedicated being a minimum of 6 metres from the boundary to provide a suitable through site link to the proposed public open space. The connection is to provide a through block connection and located opposite the public space in the same block.....".***

On 29 January 2015, Council prepared and lodged a planning proposal with the Department of Planning and Environment for a Gateway Determination. This Gateway Determination is discussed in section 3.

## 2. HISTORY

A summary of the history of this planning proposal is provided in the table below:

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Table 1: History of PP-4/2010

20 October 2010	The former Auburn City Council resolved to prepare a Planning Proposal to rezone a strip of land fronting St Hillers Road in North Auburn from R3 Medium Density Residential to R4 High Density Residential zone [Item 257/10].
31 October 2012	<p>Report to Council recommending that a wider area of land zoned in the North Auburn area be rezoned from R3 Medium Density Residential to R4 High Density Residential [Item 208/12].</p> <p>The rationale for this recommendation was that the wider area was characterised by similar 2-3 storey residential flat buildings and was effectively developed to Council's current R4 High Density Residential controls. Further, a strategic approach to rezoning in the North Auburn area could minimise planning proposal applications for spot rezoning. Council deferred the matter to investigate future open space options for the site.</p>
February 2013	The North Auburn precinct is discussed at a Councillor workshop. Discussion focused around a desire by some Councillors to provide more open space within the precinct if density was to increase, and the constraint imposed by the high level of strata subdivision of existing development within this precinct, and the prohibitive cost of acquiring land for open space as a result. Councillors requested Council staff to investigate potential options for the acquisition of open space within the North Auburn Area and report the findings back to Council.
November 2013	A report on the open space investigations undertaken by staff (investigation of 5 possible options) was considered at Council's Planning Committee meeting [Item Pla014/13]. Council resolves to defer the matter for discussion at a workshop in early 2014.
February 2014	Presentation to February Councillor workshop on status of investigations: 5 previously explored options presented, plus extend of strata subdivision, and an update of proposed works for Bardo and Auburn Parks is provided.
September 2014	Councillor briefing on history of this PP, including sites previously investigated for possible acquisition for open space (5 options reported to Council in November 2013), plus 3 further possibilities for future open space.
15 October 2014	Report to Council [Item 325/14] reiterating the widespread strata subdivision across this precinct as a significant

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	constraint to the acquisition of land for public open space. Given this constraint and lack of viable options, the report recommended Council focus its resources on the upgrade of Bardo and Auburn parks. Council resolved to prepare a Planning Proposal to rezone the precinct and amend the principal development controls accordingly. The resolution included bonus FSR and height provisions which apply to the precinct and which aim to encourage the provision of a 2500m <sup>2</sup> park in this area (Attachment 3, part 3 of Council's resolution).
29 January 2015	Planning Proposal prepared in accordance with the Council resolution [Item 325/14], and submitted to Department of Planning and Environment (DP&E), seeking a Gateway Determination.
20 March 2015	A section 56(2) Gateway Determination was issued (discussed in Section 3 of this report).
8 July 2015 - 25 August 2015	A justification statement for traffic and transport was prepared and finalised by former Hyder consulting in accordance with the requirements of the Gateway Determination (Condition 1 (a)).
16 July 2015 - 29 October 2016	A consultant report (by AECOM Australia Pty Ltd) which tested the feasibility of the development bonus in the context of the park size required by Council's resolution was prepared and finalised in accordance with the requirements of the Gateway Determination (Condition 2).
02 Dec 2015	Council resolved to approve an amendment to the Operational Plan 2015/16 to incorporate the upgrade of Auburn and Bardo Parks (see Item 295/15). The cost of the upgrades is estimated to be \$4,300,000. Council resolved to allocate funding to upgrade Auburn and Bardo parks.
10 February 2016	Councillors from the former Auburn City Council suspended and an Interim Administrator appointed.
02 March 2016	At the extraordinary meeting of Council [Item 036/16] in March 2016, the Interim Administrator resolved to refer the North Auburn planning proposal report to the Auburn Independent Assessment Panel (AIAP).
16 April 2016	Council receives a revised Gateway Determination for the proposal extending the timeline until 27 September 2016 to complete the proposal.
12 May 2016	The proclamation of the new 'Cumberland Council' is notified.

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19 May 2016	At the first meeting of Cumberland Council, the Interim Administrator resolves to appoint the Cumberland Independent Hearing and Assessment Panel (CIHAP).
June 2016	The North Auburn PP is reported to the Cumberland Independent Hearing and Assessment Panel (CIHAP) for a recommendation.

This report focuses on the steps undertaken post-Gateway, that is, from March 2015 onwards.

### 3. GATEWAY DETERMINATION

On 20 March 2015, the Department of Planning and Environment issued a Gateway Determination for the proposal (Attachment 4), and requested that Council proceed subject to conditions, as follows:

*"1. Prior to exhibition/consultation, Council is to:*

- (a) review Council's draft Auburn LGA Traffic and Transport Study (2013 - Hyder Consulting Pty Ltd) and provide supplementary advice supporting the contention that the proposal is unlikely to generate significant traffic or transport impacts. This supplementary advice is to form part of the exhibition material; and*

- 2. Council to amend the relative section of the Auburn Development Control Plan 2010 to address the Planning Proposal and place this draft amendment on exhibition with the Planning Proposal".*

As outlined in sections 5 and 6 below, Council engaged consultants to address these conditions.

On 16 April 2016, in response to a request from Council staff, the DP&E issued a revised Gateway Determination for this planning proposal to extend the timeline until 27 September 2016 (Refer to Attachment 5 of this report).

### 4. DEPARTMENT'S WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The Minister of Planning's Delegate has issued Council with a 'Written Authorisation to Exercise Delegation' to make this plan along with the Gateway Determination. Should the CIHAP recommend that this planning proposal proceed with the revised provisions, it will be reported to a future Council meeting to seek a resolution to proceed with the planning proposal, albeit with the amendments recommended in this report.

### 5. TRAFFIC AND TRANSPORT (HYDER)

Hyder Consulting (Hyder) was commissioned to undertake and test the traffic, transport and modelling assessment work for the proposal to address condition 1(a) of the Department's Gateway Determination. The traffic and transport impacts of the planning



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proposal were assessed in the context of work Hyder had already undertaken on the *Auburn LGA Traffic and Transport Study (September 2013)*. A justification statement was also prepared (refer to Attachment 1).

The study investigated the likely impact of the proposal on three key intersections:

1. Parramatta Road / Silverwater Road / St Hilliers Road
2. St Hilliers Road / Rawson Street
3. Parramatta Road / Rawson Street / Duck Street

The study found that "traffic modelling undertaken for the North Auburn Planning Proposal has suggested minor operational impact to three analysed intersections" (p.4). The supplementary advice indicates that the traffic and transport impacts that would be created as a result of the North Auburn Planning Proposal would be minor, and fulfils the Department of Planning and Environment's condition 1(a) of the Gateway Determination.

## 6. NORTH AUBURN SITE SPECIFIC CONTROLS (AECOM)

AECOM Pty Ltd (AECOM) was commissioned to undertake modelling and testing of nominated sites within the North Auburn precinct to address condition 2 of the Gateway Determination (copy at Attachment 4).

The objective of this study (in addressing the Gateway Determination) was to:

- prepare and test two development scenarios ('standard' and 'feasible') focussing on one mid-block site and one corner site, to understand whether the proposed bonus controls were sufficient to incentivise the delivery of a 2,500m<sup>2</sup> public park, and if not, determine the level of controls that would be needed to deliver sufficient residential yield to make this feasible, so that advice could be reported back to Council for their consideration;
- draft proposed amendments to Auburn LEP 2010 and *Auburn Development Control Plan 2010* that could be applied to the precinct;
- identify other potential locations of open space and their feasibility; and
- outline the development feasibility of the scenarios and the extent of redevelopment required to deliver a new park in the precinct.

### 6.1 Sites tested – North Auburn Precinct

The majority of lots (approximately 70%) located within the North Auburn Precinct are affected by strata subdivision, and contain residential flat buildings (refer to figure 3).

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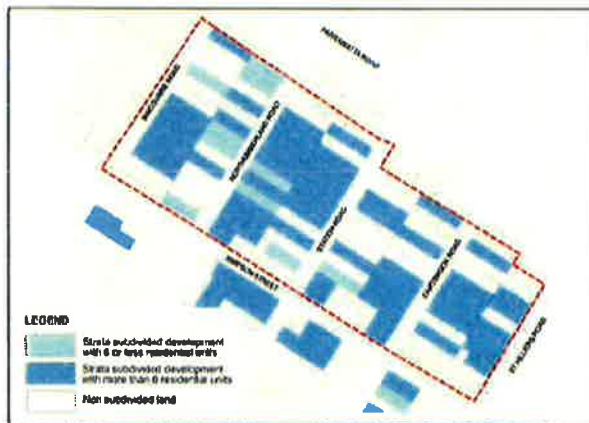


Figure 3: Strata-titled land (Source: AECOM, October 2015, p.3)

Figure 4 (below) shows the sites (A to H) that were tested in the AECOM study. These sites were selected from the remaining 30% of the precinct which was not strata subdivided. Sites D, E, G and H were identified as being most suitable for the provision of a park. Individually, each of these sites is smaller than the proposed 2,500m<sup>2</sup> that Council wished to achieve via their resolution.



Figure 4: Sites nominated for testing (Source: AECOM, October 2015, p.10)

AECOM considered several possible development scenarios using the bonus controls (additional 0.3:1 FSR and a 7m height of buildings) specified in Council's resolution, that were proposed to apply to a residential flat building that provides a 2,500m<sup>2</sup> public park. High level feasibility testing was carried out on these scenarios.

Sites that are situated on corners (such as sites A, C and E) would be subject to slightly higher controls due to Council's decision to provide an additional 2m and 0.2:1 FSR to sites on corners within the R4 High Density Residential zone. For this reason, the report differentiates between 'corner sites' and 'mid-block sites' (i.e. sites not on corners) throughout. A summary of the testing is provided in Attachment 4 (page 11).

## 6.2 Key findings of AECOM report

The report found:

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- That "the scale of development required to make a delivery of a 2500m<sup>2</sup> park feasible would likely to have adverse impacts on both residential and streetscape amenity". For example:
  - "the achievement of a proposed 2500m<sup>2</sup> park would require a 93% increase (to 3.86:1) above the 2:1 bonus FSR on the corner site".
  - "redevelopment of a mid-block site would require a doubling of the bonus FSR provision (to 3.4:1) but potentially no further increase in Height".
- That "there are limited sites within the Precinct that can be readily amalgamated to provide a park at least 2500m<sup>2</sup>. Opportunities for delivering a smaller park should therefore be considered".
- "The delivery of a smaller park of 1,500m<sup>2</sup> as part of the redevelopment of the corner/mid-block sites tested would result in more feasible development outcome from both an urban design and development viability perspective".
- "... that while a relatively substantial increase in FSR would be required to incentivise the provision of a 1,500m<sup>2</sup> park, the increased height may still be within the 25 metre bonus that applies to eligible developments. ...Therefore impacts in relation to overshadowing, streetscape and the amenity of neighbouring dwellings are likely able to be managed through building design".
- That "... the impact of the increase associated with a smaller 1500m<sup>2</sup> park resulted in a more appropriate and sympathetic built form outcomes on the site".

The findings indicate that:

- The proposed bonus controls for development that provides a 2,500m<sup>2</sup> public park do not provide sufficient incentive to achieve that development outcome.
- If Council were to provide economically viable bonus height and floor space ratio controls for development that provides a 2,500m<sup>2</sup> public park, these controls would be likely to result in development that has undesirable impacts on the surrounding properties and the streetscape. [It is noted that the majority of surrounding development is strata subdivided 3-4 storey flat buildings which are unlikely to be redeveloped in the short to medium term].
- If Council wishes to facilitate a park within the North Auburn precinct through bonus height and floor space ratio incentives, then a 1,500m<sup>2</sup> space would be more achievable. However, a 1,500m<sup>2</sup> park is relatively small, and it would be smaller than nearby Bardo Park (1,900m<sup>2</sup>). The utility of obtaining another small park in this area is questionable, given the close proximity of the precinct to Auburn Park and Bardo Park, which are both within 400m of most dwellings in the precinct (refer to Figure 5).
- If car parking was allowed under the park, this would have an impact on the amenity of the park and raise potential liability issues for Council. Generally, Council would not accept dedication of land that has car parking built underneath it.
- It is also noted that the majority of the subject area is currently characterised by R4 style development (residential flat buildings), and that rezoning the area from R3 to R4 would bring the zoning into alignment with the predominant existing type of development.
- Removing the proposed bonus provisions from the planning proposal would still allow sites within the precinct to be redeveloped for residential flat buildings and other uses permitted under the R4 High Density Residential zone once the proposal is finalised.

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Figure 5: Parks within 400m of the North Auburn precinct

## 7. CONCLUSION

This report recommends that Council amend the planning proposal to remove the proposed bonus provisions for a residential development that provides a 2,500m<sup>2</sup> public park and through site link, and proceed only with the rezoning of this land from R3 to R4 so that the zone for this area reflects the predominant development form that currently exists in this precinct.

Council recently resolved to approve an amendment to the Auburn City Operational Plan 2015/16 to incorporate the upgrade of Auburn and Bardo Parks (December 2015 [Item 295/15]), with \$4,300,000 of funding allocated. These upgrades will significantly renew and improve the facilities of both of these parks, and increase their capacity to support greater use by residents. This is both consistent with the recommendation of an earlier Council report (October 2014 [Item 325/14]), and is considered to be the most appropriate solution for open space in this precinct given the constraints to acquisition of land by Council as outlined in this report.

Removing the proposed bonus provisions from the planning proposal would still allow sites within the precinct to be redeveloped for residential flat buildings and other uses permitted under the R4 High Density Residential zone once the proposal is finalised. The R4 height and FSR controls proposed are consistent with Council's standard R4 controls under the Auburn LEP 2010, and are generally commensurate with the density which currently exists in the majority of this precinct.

## 8. NEXT STEPS

If the CIHAP supports the recommendation of this report, the matter will then be reported to Council seeking a resolution to revise the Planning Proposal (to delete the bonus provisions and additional park requirement of 2500m<sup>2</sup>), and seek a revised Gateway Determination and Delegation from the DP&E to proceed with the Planning Proposal. Council would then exhibit the draft *Auburn Local Environmental Plan (Amendment*



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No.20) under section 57 of the *Environmental Planning and Assessment Act 1979*, and proceed with the plan making process.

**Report Recommendation:**

That the Cumberland Independent Hearing and Assessment Panel (CIHAP):

1. Receive and note the supplementary advice on traffic and transport from Hyder (Attachment 1), and the report on site specific controls for the planning proposal prepared by AECOM (Attachment 2);
2. Recommend that the planning proposal for the North Auburn precinct to rezone the subject land from R3 Medium density residential to R4 High Density Residential and associated development controls be amended to delete the proposed height and FSR bonus provisions of 25m and 0.3:1 respectively, and delete the corresponding requirement to provide a 2,500m<sup>2</sup> public park in the North Auburn precinct; and
3. Recommend that this Planning Proposal, once amended as per 2 above, be reported to Council seeking a resolution to revise the planning proposal accordingly, and forward it to the Department of Planning and Environment for a revised Gateway Determination and Delegation to exhibit the Auburn Local Environmental Plan (Amendment No.20).

**Attachments:**

1. Supplementary Advice by Hyder Consulting (August 2015) - T087849/2015
2. North Auburn Site Specific Development Controls by AECOM (October 2015) - T115757/2015
3. Council minutes and report of 15 October 2014 - T002558/2016
4. Gateway Determination - T028202/2015
5. Revised Gateway Determination - T033825/2016

# Appendix 3: Minutes and Report of CM

## 15 October 2014 (Item 325/14)

AUBURN CITY COUNCIL  
MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD OCTOBER 15, 2014

**323/14**      **Report on Outstanding Actions from Council Decisions**  
C-28-17      MW: MW

**RESOLVED** unanimously on the motion of Cllr Lam, seconded Cllr Attie that the report be received and the information therein noted.

**324/14**      **Report on Completed Actions from Council Decisions**  
C-28-17      MW: MW

**RESOLVED** unanimously on the motion of Cllr Lam, seconded Cllr Attie that the report be received and the information therein noted.

**325/14**      **Council's Planning Investigations Into Open Space In The North Auburn Area**  
PP-4/2012      MC: MW

Mr R. Palmer addressed the Council on this matter.

Moved Cllr Lam, seconded Cllr Attie:

1. That the report be received and the information therein noted.
2. That Council focus its resources on the planned embellishment and improved maintenance of Auburn Park and Bardo Park and prioritise the embellishment of Bardo Park in Council's 2014/15 Operational Plan.
3. That Council proceed to prepare and submit a Planning Proposal for North Auburn area for block bound by Simpson Street, St Hilliers Road, residential land zoned south of Parramatta Road (excluding the B6 Enterprise Corridor zone) and land bound and included by Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:
  - (a) Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone; and
  - (b) Amend the Height of Buildings Map to apply the standard R4 Maximum Building Height controls of 18 metres (with 20 metres on corner sites); and
  - (c) Amend the Floor Space Ratio Map to apply the standard R4 Floor Space Ratio controls of 1.7:1 (with 2:1 on corner sites).

### Amendment

An amendment was moved Cllr Campbell, seconded Cllr Ouelk:

1. That the report be received and the information therein noted.
2. That Council focus its resources on the planned embellishment and improved maintenance of Auburn Park and Bardo Park and prioritise the embellishment of Bardo Park in Council's 2014/15 Operational Plan.
3. That Council proceed to prepare and submit a Planning Proposal for North Auburn area for block bound by Simpson Street, St Hilliers Road, residential land zoned south of Parramatta Road (excluding the B6 Enterprise Corridor zone) and land bound and

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included by Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:

- (a) Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone; and
  - (b) Amend the Height of Buildings Map to apply the standard R4 Maximum Building Height controls of 18 metres (with 20 metres on corner sites); and
  - (c) Amend the Floor Space Ratio Map to apply the standard R4 Floor Space Ratio controls of 1.7:1 (with 2:1 on corner sites); and
  - (d) Provide a suitable bonus for the following:
    - i. Open Space  
Increase the height of properties zoned R4 to a maximum of 25 metres and additional FSR of 0.3:1 over and above the standard R4 FSR controls in return for the adequate provision of a public open space no less than 2500m<sup>2</sup> in size. The area under the open space not exceeding 75% may be used in the provision of basement car parking for the adjoining development seeking the bonus; and
    - ii. Through site connection with Open Space  
Additional floor space equivalent to the area forgone being dedicated being a minimum of 6 metres from the boundary to provide a suitable through site link to the proposed public open space. The connection is to provide a through block connection and located opposite the public space in the same block.
4. That Council supports additional open space in the North Auburn area and requires staff to include in Auburn LEP review the process for land acquisition of a size of no less than 2,500m<sup>2</sup> should the bonus scheme be not taken up.

Foreshadowed Amendment

A foreshadowed amendment was moved Cllr Simms:

1. That the report be received and the information therein noted.
2. That Council focus its resources on the planned embellishment and improved maintenance of Auburn Park and Bardo Park and prioritise the embellishment of Bardo Park in Council's 2014/15 Operational Plan.
3. That Council proceed to prepare and submit a Planning Proposal for North Auburn area for block bound by Simpson Street, St Hilliers Road, residential land zoned south of Parramatta Road (excluding the B6 Enterprise Corridor zone) and land bound and included by Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:
  - (a) Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone; and
  - (b) Amend the Height of Buildings Map to apply the standard R4 Maximum Building Height controls of 18 metres (with 20 metres on corner sites); and
  - (c) Amend the Floor Space Ratio Map to apply the standard R4 Floor Space Ratio controls of 1.7:1 (with 2:1 on corner sites); and
4. That Council supports additional open space in the North Auburn area and requires staff to include in Auburn LEP review the process for land acquisition of a size of no less than 2,500m<sup>2</sup>.

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The amendment was put to the vote and declared carried unanimously and became the motion.

The motion was put to the vote and declared carried.

**RESOLVED unanimously on the motion of Cllr Campbell, seconded Cllr Oueik:**

1. *That the report be received and the information therein noted.*
2. *That Council focus its resources on the planned embellishment and improved maintenance of Auburn Park and Bardo Park and prioritise the embellishment of Bardo Park in Council's 2014/15 Operational Plan.*
3. *That Council proceed to prepare and submit a Planning Proposal for North Auburn area for block bound by Simpson Street, St Hilliers Road, residential land zoned south of Parramatta Road (excluding the B6 Enterprise Corridor zone) and land bound and included by Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:*
  - (a) *Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone; and*
  - (b) *Amend the Height of Buildings Map to apply the standard R4 Maximum Building Height controls of 18 metres (with 20 metres on corner sites); and*
  - (c) *Amend the Floor Space Ratio Map to apply the standard R4 Floor Space Ratio controls of 1.7:1 (with 2:1 on corner sites); and*
  - (d) *Provide a suitable bonus for the following:*
    - i. *Open Space*  
*Increase the height of properties zoned R4 to a maximum of 25 metres and additional FSR of 0.3:1 over and above the standard R4 FSR controls in return for the adequate provision of a public open space no less than 2500m<sup>2</sup> in size. The area under the open space not exceeding 75% may be used in the provision of basement car parking for the adjoining development seeking the bonus; and*
    - ii. *Through site connection with Open Space*  
*Additional floor space equivalent to the area forgone being dedicated being a minimum of 6 metres from the boundary to provide a suitable through site link to the proposed public open space. The connection is to provide a through block connection and located opposite the public space in the same block.*
4. *That Council supports additional open space in the North Auburn area and requires staff to include in Auburn LEP review the process for land acquisition of a size of no less than 2,500m<sup>2</sup> should the bonus scheme be not taken up.*

For: Councillors Oueik, Attie, Batik-Dundar, Campbell, Lam, Mehajer, Oldfield, Simms and Yang.

Against: Nil.

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

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**325/14 Council's Planning Investigations Into Open Space In The North Auburn Area**

PP-4/2012

MC: MW

## LINK TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Operational Plan Code	Relationship to Community Strategic Plan	Relationship to Operational Plan
2a.2.1	Prepare land use and local centre studies	High quality urban development

## SUMMARY

This report provides a summary of the planning investigations by Council staff into options for the provision of future open space within the North Auburn area.

## RECOMMENDATION

1. *That the report be received and the information therein noted.*
2. *That Council focus its resources on the planned embellishment and improved maintenance of Auburn Park and Bardo Park and prioritise the embellishment of Bardo Park in Council's 2014/15 Operational Plan.*
3. *That Council proceed to prepare and submit a Planning Proposal for North Auburn area for block bound by Simpson Street, St Hilliers Road, residential land zoned south of Parramatta Road (excluding the B6 Enterprise Corridor zone) and land bound and included by Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:*
  - (a) *Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone; and*
  - (b) *Amend the Height of Buildings Map to apply the standard R4 Maximum Building Height controls of 18 metres (with 20 metres on corner sites); and*
  - (c) *Amend the Floor Space Ratio Map to apply the standard R4 Floor Space Ratio controls of 1.7:1 (with 2:1 on corner sites).*

## REPORT

## 1. BACKGROUND

This matter has been reported to Council a number of times in 2012-13, and has been discussed at Councillor workshops in February 2013 and February 2014. In summary, in 2010 Council resolved to rezone a strip of land fronting St Hilliers Road in North Auburn from R3 Medium Density Residential to R4 High Density Residential. Further investigation by Council staff resulted in a report to Council recommending that a wider area of land zoned R3 Medium Density in the North Auburn area be rezoned to R4 High Density Residential [Item 208/12, October 2012]. The rationale for this recommendation was that the wider areas

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was predominantly characterised by 3-4 storey flat buildings (that is, effectively developed to current R4 controls). Further, a strategic approach to rezoning in the North Auburn area would be likely to minimise applications for spot rezonings.

On consideration of this matter, some Councillors expressed interest in investigating options for future open space in the North Auburn area. Council staff presented some possible options to Councillors at the Councillor Workshop in February 2013, followed by a report to Council's Planning Committee in November 2013 [Item Pla014/13] (Refer to **Attachment 1**).

The November 2013 report to Council investigated 5 possible options for future open space in the North Auburn area, and considered the advantages and disadvantages of each option. In all five cases, the disadvantages were considered to outweigh the advantages. Thus, this report recommended that Council:

1. *That Council focus its resources on the planned embellishment and improved maintenance of Auburn Park and Bardo Park.*
2. *That Council prioritise the embellishment of Bardo Park in Council's 2014/15 Operational Plan.....'*

It also recommended that Council proceed with a planning proposal to rezone certain land within North Auburn from R3 Medium Density Residential to R4 High Density Residential.

An additional report was provided to Council on 4 December 2013 [Item 394/13], which included a summary of the February 2013 Councillor workshop (refer to **Attachment 2**).

## 2. FURTHER INVESTIGATIONS

Council has on a number of occasions expressed an interest in trying to increase open space in this area. As noted in previous Council reports, the land in the North Auburn area is heavily strata subdivided, making acquisition of land difficult (**Attachment 1**).

However, should Council wish to consider a further possible option for acquisition for open space in the North Auburn, the following site could be investigated in more detail:

**15, 17, 19, 21 Simpson Street, Auburn** (refer to figures 1 and 2 over page).

Figure 1 shows this site in the context of other sites that were previously investigated, and Figure 2 shows this site in the context of the existing strata subdivision pattern. This site has an area of approximately 2,200m<sup>2</sup>.



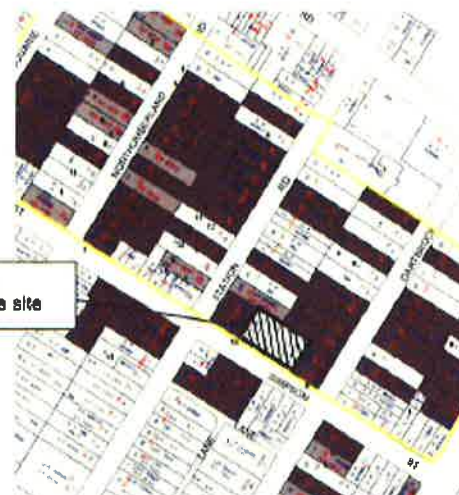
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Council's Planning Investigations Into Open Space In The North Auburn Area (cont'd)**Figure 1 – Further possible option**

Note: sites outlined in yellow denote sites previously investigated

**Figure 2 – Strata subdivision pattern**

Dark grey = more than 6 units; light grey = 6 or less units

It is also noted that Council is currently considering the possibility of creating additional open space in Northumberland Road/Station Road. Should this option proceed, it would provide another relatively accessible area of open space within walking distance of the North Auburn area.

In addition, a strategic review of Open Space will be undertaken by Council staff as part of the comprehensive review of Council's ALEP 2010. This review will follow the preparation of a draft *Residential Development Strategy* and draft *Employment Lands Strategy*, currently underway, and will make recommendations about current and future open space planning, community needs, acquisition, and disposal.

**3. CONCLUSION**

Notwithstanding the discussion provided in Section 2 of this report, it is recommended that Council focus its resources on the upgrade of Bardo and Auburn Parks, due to the cost of acquisition of land for open space and other constraints outlined in previous reports to Council.

**ATTACHMENTS**

1. Report to Council Planning Committee November 2013 [Pla014/13]
2. Report to Ordinary Council Meeting 4 December 2013 [394/13]

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**Council's Planning Investigations Into Open Space In The North Auburn Area (cont'd)****ATTACHMENT 1****AUBURN CITY COUNCIL**

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**Pla014/13 Council's Planning Investigations for Open Space within North Auburn Area and Surrounds**

PP-4/2012 MC:EG

**SUMMARY**

This report outlines the planning investigations by Council officers into the acquisition of land for potential future open space within the North Auburn area. This investigation has been undertaken in response to issues raised at the February 2013 Council Meeting.

**RECOMMENDATION**

1. *That Council focus its resources on the planned embellishment and improved maintenance of Auburn Park and Bardo Park.*
2. *That Council prioritise the embellishment of Bardo Park in Council's 2014/15 Operational Plan.*
3. *Council proceed to prepare and submit a Planning Proposal for North Auburn area for block bound by Simpson Street, St Hillier's Road, residential land zoned south of Parramatta Road (excluding the B6 Enterprise Corridor zone) and land bound and included by Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:*
  - (a) *Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone;*
  - (b) *Amend the Height of Buildings Map to apply the 16m Maximum Building Height; and*
  - (c) *Amend the Floor Space Ratio Map to apply the 1.4:1 Floor Space Ratio.*

**REPORT****1.0 BACKGROUND**

A summary of the progress of the draft North Auburn Planning Proposal (PP-4/2012) is provided in Table 1 below:

**Table 1 - Summary to date**

Date	Events
20 October 2010	<p>Auburn City Council at its meeting of 20 October 2010 (Item 257/10), resolved to:</p> <ol style="list-style-type: none"> <li>1. "f) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning and Assessment Act 1979 Section 54 and Department of Planning guidelines to rezone the properties fronting St Hillier's 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. Hillier's Road being R4 and amend the Residential Flat buildings DCP 2010".</li> </ol>

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Date	Events
<b>31 October 2012 (Item 208/12)</b>	<p>Council considered a report at this meeting which recommended that the subject area of the North Auburn PP be expanded to include land between St Hillier's Road and Macquarie Road, Auburn, as shown in the solid (yellow) edging on Figure 1 below.</p> <p>The extension of the original study area (dashed white line in Figure 1) was proposed on the basis that the expanded area (solid edging, Figure 1) had similar land uses, land ownership, built form patterns and was of a similar distance from Auburn Station and Town Centre.</p>  <p><b>Figure 1 – The subject block showing the original and expanded areas (Extract of Council GIS Exponare, May 2013)</b></p> <p>At this meeting Council resolved to defer the matter to a Councillor workshop.</p>
<b>9 Feb 2013</b>	<p>The draft North Auburn PP was discussed at this Councillor workshop. It was requested that Council officers investigate potential options for the acquisition of land for new open space within the North Auburn Planning Proposal subject area.</p>

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**ATTACHMENT 1**

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Council's Planning Investigations for Open Space within North Auburn Area and Surrounds (cont'd)

**2.0 COUNCIL'S CURRENT STRATEGIC FRAMEWORK FOR LAND ACQUISITION AND OPEN SPACE**

Council's framework for acquiring open space is set out in the Land Reservation Acquisition Maps in the *Auburn local Environmental Plan 2010 (Auburn LEP 2010)*. These maps were informed initially by Council's Open Space Strategy versions reviewed and updated below:

- Version 1 (adopted by Council 1 July 1993);
- Version 2 (adopted by Council 2<sup>nd</sup> March 1995);
- Version 2.1 (adopted by Council 12 February 1997);
- Version 3 (Adopted by Council on 7<sup>th</sup> March 2001); and
- ongoing consultations with Council's Property Services and Park and Recreation units.

Council's funding for open space land acquisition/dedication and embellishment is currently funded via Council's *Auburn Development Contributions Plan 2007* framework. This Contributions Plan did not alter previously identified open space acquisitions.

Since 1993 Council has acquired a number of properties in the North Auburn area for open space purposes in accordance with these adopted plans. These new or expanded parks include Hampstead Road Reserve and Bardo Park.

In addition, it is noted that the Council's newly adopted 2013/14 Operational Plan has the following projects identified for completion:

1. Prepare new Section 94 Developer Contributions Plan capturing the 2011 Census data; and,
2. Review and update Council's existing Open Space Strategy.

The development of these two plans concurrently will ensure Council's Open Space Planning reflects changes that have occurred (or are plan to occur) in population, residential densities and recreational needs of the LGA. These will also ensure proposed acquisitions and embellishments are appropriately coordinated and sufficiently funded.

**3.0 PLANNING INVESTIGATIONS FOR OPEN SPACE**

In investigating options for acquisition of potential open space, the following analysis has been undertaken:

- Analysis of surrounding existing open space; and
- Analysis of land ownership within and surrounding the subject block.

This analysis is outlined below:

**3.1 Analysis of surrounding existing open space**

Council has carried out an analysis of the existing local open spaces (parks) located within a 400 metre radius of the subject area.



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Figure 2 overleaf shows an aerial view of the subject area and existing surrounding open space. Auburn Park and Bardo Park are located within this 400 metre radius. Railway Park is located approximately 680 metres away from the subject area.



Figure 2 - Aerial view of the subject block and existing surrounding open space within 400m catchment (Excerpt of Council Q&A Exposure, July 2013)

Auburn Park, approximately 26,600m<sup>2</sup> in area is a large district open space with a range of sports and recreational facilities. Auburn Park is scheduled for an upgrade of its existing sports and recreation facilities and Council has recently completed the community consultation phase of this work. A grant application has also recently been submitted to assist to fund these required works.



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Bardo Park, approximately 1925m<sup>2</sup> in area, is located between Station Road and Bardo Lane, Auburn and currently functions as a local open space. The park was subject developed in 2000 and is well located in relation to the North Auburn Planning Proposal area but is in need of an upgrade. An upgrade of this park would improve the capacity to meet open space needs of the surrounding population.

The location of these existing open spaces is important to inform the location of future open space, particularly to avoid duplication of open space.

#### 3.2 Analysis of land ownership

An analysis of land ownership within and immediately surrounding the subject area was undertaken with a view to identifying sites that could be viable to acquire. Lots that are strata subdivided are generally difficult to acquire because of negotiations with multiple owners and generally not considered a viable option.

Approximately 70% of the subject area and immediate surrounds south of Simpson Street are affected by strata subdivision. Figure 2 below illustrates strata subdivided land showing residential flat buildings with more than 6 units (in dark grey), and residential flat buildings with less than 6 units (light grey) below. Unshaded lots (white) are not strata subdivided.

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**ATTACHMENT 1**

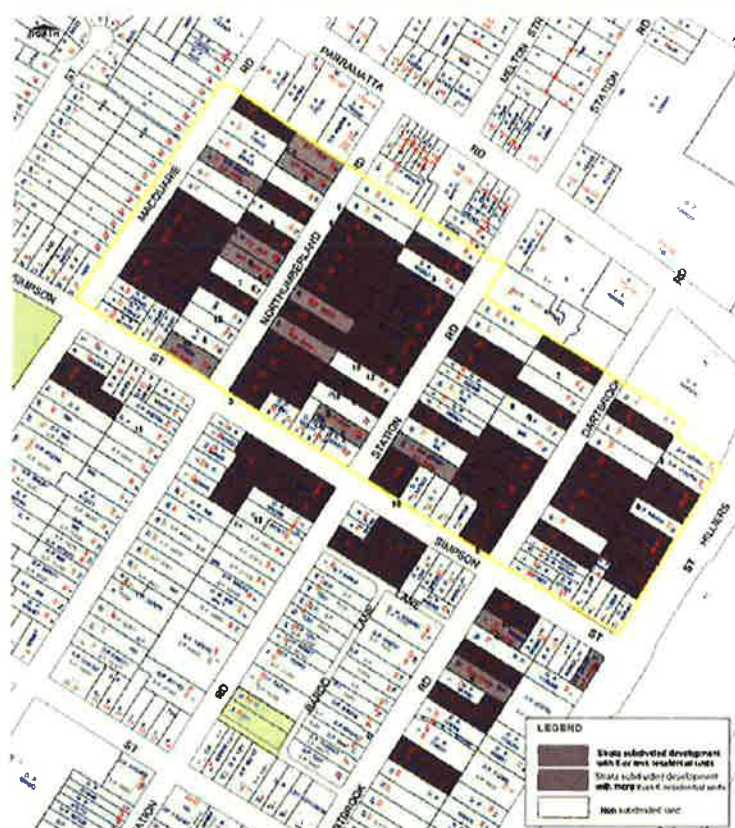
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**Figure 2 - Strata subdivided and non-strata subdivided land within the subject block and surrounds**  
(Extract of Council GIS Exponans, July 2013)

Of these lots in single ownership in Figure 2, the 5 most likely options were identified for further analysis. The location of these 5 options is shown in Figure 3 below, and the advantages and disadvantages of each option is briefly outlined in table 2.

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Figure 3 - Council's options for open space within North Auburn  
(Extract of Council GIS Exposure, July 2013)

**Table 2 - Advantages and disadvantages of open space options**

Site area and zoning	Acquisition: Advantages	Acquisition: Constraints/Disadvantages
<b>1. 91 and 93 Station Rd, Auburn (2 lots)</b>		
Approx. 1,900m <sup>2</sup>  R3 Medium Density Residential	<ul style="list-style-type: none"> <li>• Located further from the existing parks: Auburn Park and Bardo Park</li> <li>• Relatively smaller in size than Bardo Park</li> </ul>	<ul style="list-style-type: none"> <li>• Land owners have consistently expressed their interest (over the past 2 years or so) in rezoning this land, and their intention to redevelop for higher density residential. Land owners unlikely to sell/unrealistic acquisition cost</li> <li>• Single ownership - advantageous for private redevelopment</li> <li>• Not centrally located in terms of existing residential development; too close to Parramatta</li> </ul>

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Site area and zoning	Acquisition: Advantages	Acquisition: Constraints/Disadvantages
		<b>Road</b> <ul style="list-style-type: none"> <li>Not on Council's Land Reservation Acquisition Map</li> </ul>
<b>2. 77, 79, 81, 83 and 85 Station Road, Auburn (5 lots)</b>		
Approx. 2,835m <sup>2</sup>  R3 Medium Density Residential	<ul style="list-style-type: none"> <li>More suitable for open space and is substantially larger in size than Bardo Park</li> <li>Located away from busy major roads</li> </ul>	<ul style="list-style-type: none"> <li>Land owners have consistently expressed their interest (over the past 2 years or so) in rezoning this land, and their intention to redevelop for higher density residential. Land owners unlikely to sell/unrealistic acquisition cost.</li> <li>Single (family) ownership - advantageous for private redevelopment</li> <li>Not on Council's Land Reservation Acquisition Maps</li> </ul>
<b>3. 65 - 67 and 69 Dartbrook Rd, Auburn (3 lots)</b>		
Approx. 2,371m <sup>2</sup>  R4 High Density Residential	<ul style="list-style-type: none"> <li>Not strata subdivided (owned by Sydney Water and Land and Housing Development Corporation NSW. Includes an RFB at 65-67), however authorities may not wish to sell.</li> <li>Watercourse through this site may constrain residential redevelopment potential and may result in lower acquisition cost</li> </ul>	<ul style="list-style-type: none"> <li>Some distance from the North Auburn Planning Proposal subject area – questionable whether a small park in this location would meet the needs of existing and potential future residents in North Auburn.</li> <li>Too close to Bardo Park</li> <li>Stormwater canal and park/playground are not a compatible mix (potential public safety risk)</li> <li>Not on Council's Land Reservation Acquisition Maps</li> <li>Affected by FSR and height increases proposed for R4 under the FSR Planning Proposal (may increase development potential and thus acquisition cost)</li> </ul>
<b>4. 69 and 71 Northumberland Rd, Auburn (2 lots)</b>		

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Site area and zoning	Acquisition; Advantages	Acquisition; Constraints/Disadvantages
Approx. 619m <sup>2</sup>  R4 High Density Residential	<ul style="list-style-type: none"> <li>Although outside the North Auburn PP precinct, relatively centrally located in terms of serving this area</li> <li>Would require consolidation with adjoining site for residential redevelopment (as per Council's current ADCP 2010 controls)</li> </ul>	<ul style="list-style-type: none"> <li>Far too small to be feasible /economical for recreational uses</li> <li>Too close to Auburn Park – duplication of resources</li> <li>Located at a busy intersection (Simpson St and Northumberland Rd)</li> <li>Single ownership – advantageous for private redevelopment</li> <li>Not on Council's Land Reservation Acquisition Maps</li> <li>Affected by FSR and height increases proposed for R4 under the FSR Planning Proposal (may increase development potential and thus acquisition cost)</li> <li>Operational costs would be comparatively high due to the very small size of this site.</li> </ul>
<b>5. 16 and 18 Simpson St, Auburn (2 lots)</b>		
Approx. 998m <sup>2</sup>	<ul style="list-style-type: none"> <li>Although outside the North Auburn Planning Proposal subject area, this site is relatively centrally located in terms of serving this area</li> <li>Would require consolidation with adjoining site for redevelopment (as per Council's current Auburn DCP 2010)</li> </ul>	<ul style="list-style-type: none"> <li>Too close to Bardo Park – duplication of resources</li> <li>Too small to be feasible for a park, and irregular in shape – would require acquisition of additional properties to be viable as a park to be used for recreational purposes</li> <li>Located along a busy road – not a desirable location for open space</li> <li>Not on Council's Land Reservation Acquisition Map (Note: Council has sold 12 Simpson Street which was previously acquired for open space)</li> </ul>



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Site area and zoning	Acquisition Advantages	Acquisition Constraints/Disadvantages
	controls)	<ul style="list-style-type: none"> <li>Affected by FSR and height increases proposed for R4 under the FSR Planning Proposal (may increase development potential and thus acquisition cost)</li> <li>High operational costs (as mentioned in option 4).</li> </ul>

Of these options, Option 2 appears to be the best option in terms of size and location for future open space. However, the fact that the land owners have had ongoing discussions with Council officers over the past 2 or so years, consistently expressing their desire for this land to be rezoned and their intentions to redevelop, it is unlikely that this would be a feasible option for Council to acquire the land for open space.

Option 1 has the same land ownership issue as Option 2.

Option 3 is owned by 2 different authorities who may not wish to sell. It is also relatively close to Bardo Park and some distance from the area that Council is considering rezoning. In addition, the stormwater canal running through these lots would present a public safety risk if this land was to be used as public open space. For this reason, Option 3 is not considered feasible for acquisition as open space.

Options 4 and 5 are both very small in size. Option 4 is very close to Auburn Park and Option 5 is very close to Bardo Park. Neither of these options is considered feasible for a new park, due to their small size, location (duplication of existing resources), and potential high operational costs.

**4.0 SUMMARY AND IMPLICATIONS**

As outlined in Table 2, there are significant disadvantages identified for each of the five options identified. Of the 5 options, Option 2 is considered to be the most suitable in terms of size and location for future open space in the North Auburn area. However, the intentions of the owners (outlined in Table 2) indicate that acquisition of this site is unlikely to be feasible for Council.

Council has limited section 94 funds for acquisition of open space. As none of the 5 options identified on Council's Land Reservation Acquisition Maps for future acquisition, should Council wish to pursue one of the 5 options identified, it will be at the opportunity cost of acquisition of other open space strategically identified on Council's Land Reservation Acquisition Maps.

If created a new park would also require ongoing maintenance, which would compete with Auburn and Bardo Parks for a portion of the recreational budget.

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(cont'd)**5.0 AUBURN PARK AND BARDO PARK**

Council staff is currently in the final design phase of the redevelopment of Auburn Park. Council's draft redevelopment proposal includes a new and expanded playground, an upgraded barbeque, a mini football field and basketball court with all-weather surface and exercise equipment to improve recreational opportunities within North Auburn.

Council consulted the North Auburn community on the draft redevelopment proposal of the Auburn Park from 22 March 2013 to 12 April 2013 and conducted a Community workshop on Friday 5 April 2013 at the Auburn Centre for Community.

It is felt that these planned works at Auburn Park when completed, will greatly improve its capacity to cater for the recreational needs of existing and future residents in the North Auburn area.

Since Bardo Park was established in 2000, the site has been used heavily by local residents, despite its relative small size when compared with Auburn Park. The park continues to provide valued recreational opportunities for local residents. Bardo Park is well located in relation to the North Auburn Planning Proposal subject area. Upgrading this park would significantly increase its attractiveness, as well as its ability to meet the needs of current and future residents. Therefore, it would be desirable that it be considered for embellishment works as part of the Council's 2014/15 Operational Plan.

**6.0 CONCLUSION**

Analysis of the subject area found it to be predominantly strata subdivided with a few options for acquisition for public open space. A further analysis of the five most likely options found none of these options to be feasible, due to ownership, location and or size constraints.

Given the above, it is recommended that Council focus its limited resources for acquisition and maintenance of open space on the planned upgrade works at Auburn Park. It is also recommended that Bardo Park, which is relatively well located be upgraded as a priority.

Council officers are undertaking a review of Council's existing Open Space Strategy and the *Auburn Development Contributions Plan 2007* this financial year (13/14). The review of Council's Open Space Strategy would inform:

- Land to be rezoned or to be acquired/dedicated as future open space within the LGA;
- Council's *Auburn LEP 2010*, the broader strategic planning framework to review and amend open space zoning and land reservation acquisition maps; and
- Council's *Auburn Section 94 Development Contributions Plan 2007* - to review its existing development contributions plan funding to take account of land acquisitions/dedications for future open space and further continue with the embellishment of existing open space within the LGA.

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Whilst none of the five open space options identified are considered feasible for acquisition as open space, if Council did wish to pursue an option, option 2 is considered to be the preferred option in terms of size and location, notwithstanding the ownership issues identified in Table 2 of this report.

Considering the above,

- Should Council wish to proceed with the North Auburn Planning Proposal Council would like to proceed to prepare a Planning Proposal for North Auburn (PP-4/2012) to rezone land from R3 Medium Density Residential zone to R4 High Density Residential zone and increase development standards accordingly, it is recommended that this Planning Proposal apply to the whole subject area, that is the block bound by Simpson Street, St Hillier's Road, residential land zoned south of Parramatta Road (excluding the B6 Enterprise Corridor zone) and land bound and included by Macquarie Road, Auburn as reported to Council meeting of 31 October 2012 (Item 208/2012). This Council report is Attachment 1.
- It is also recommended that Council focus its resources on the planned embellishment and maintenance of Auburn Park and Bardo Park and prioritise the upgrade of Bardo Park for the financial year 14/15.

**ATTACHMENTS**

1. North Auburn PP (PP-4/2012) Report to Council Meeting of 31 October 2012 (Item 208/12) - T087053/2012

# Appendix 4: Gateway Determination issued



AUBURN COUNCIL

File No:

24 MAR 2015

REFERRED TO:

Mr Mark Brisby  
General Manager  
Auburn City Council  
PO Box 118  
Auburn NSW 1835

Our Ref: 15/04426

Dear Mr Brisby

**Gateway Determination – Auburn Local Environmental Plan 2010  
Amendment No. 20 – Rezoning of land at North Auburn**

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal to rezone land bounded by Macquarie Road, Simpson Street, St. Hilliers Road and the southern boundary of the B6 Enterprise Corridor zoned land having frontage to Parramatta Road, from R3 Medium Density Residential to R4 High Density Residential.

The proposal also seeks to add a new clause to Part 6 - Additional Local Provisions of the Auburn LEP 2010. This new clause identifies the site as a 'key site' (the North Auburn Precinct), for the inclusion of a 2,500 m<sup>2</sup> park (public open space) in return for the application of specified floor space ratio and maximum building height provisions, as a bonus.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I am also of the view that any technical inconsistencies with s117 Directions 4.1 – Acid Sulfate Soils and 6.3 – Site Specific Provisions and the planning proposal are of minor significance. No further approval is required in relation to these Directions.

The Minister's plan making powers were delegated to Councils in October 2012. It is noted that Council has not requested use of the delegation in this instance, however having considered the nature of Council's planning proposal, I have decided to issue an authorisation for Council to exercise the delegation to make this plan.

The Gateway determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the Plan should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the Environmental Planning and Assessment Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tai Ta, of the Metropolitan (Parramatta) Office of the Department of Planning and Environment on (02) 9860 1560.

Yours sincerely



**Simon Manoski**  
**A/General Manager**  
**Metropolitan**  
**Planning Services**

Encls (3):

1. Gateway Determination
2. Written Authorisation to Exercise Delegation
3. Delegated Plan making reporting template





### **Gateway Determination**

***Planning Proposal (Department Ref: PP\_2015\_AUBUR\_001\_00) to rezone land bounded by Macquarie Road, Simpson Street, St. Hilliers Road and the southern boundary of the B6 Enterprise Corridor zoned land having frontage to Parramatta Road, from R3 Medium Density Residential to R4 High Density Residential. The proposal also seeks to add a new clause to Part 6 - Additional Local Provisions of the Auburn LEP 2010. This new clause identifies the site as a 'key site' (the North Auburn Precinct), for the inclusion of a 2,500 m<sup>2</sup> park (public open space) in return for the application of specified floor, space ratio and maximum building height controls, as a bonus.***

I, the acting General Manager, Metropolitan, as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act that an amendment to the Auburn Local Environmental Plan 2010 should proceed subject to the following conditions:

1. Prior to exhibition/consultation, Council is to:
  - (a) review Council's draft Auburn LGA Traffic and Transport Study (2013 - Hyder Consulting Pty Ltd) and provide supplementary advice supporting the contention that the proposal is unlikely to generate significant traffic or transport impacts. This supplementary advice is to form part of the exhibition material; and
  - (b) remove all the words commencing with 'Clause to amend Part 6 - Additional Local Provisions' to '....should the Planning Proposal proceed after s. 56 Gateway Determination' (see page 16 of the planning proposal).
2. Council is to amend the relative section of the Auburn Development Control Plan 2010 to address the planning proposal and place this draft amendment on exhibition with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, as follows:
  - (a) the planning proposal must be made available for 28 days; and
  - (b) the relevant planning authority must comply with notice requirements for public exhibition of planning proposals and the specifications for material that must be available along with planning proposals.

4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act:

- NSW Department of Education and Communities;
- NSW Police Service;
- Housing NSW;
- Transport for NSW (including Railcorp);
- Energy Australia;
- Sydney Water;
- Fire and Rescue NSW;
- Roads and Maritime Service.

Each public authority is to 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.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is 12 months from the week following the date of the Gateway determination.

Dated 20th day of March, 2015.

Handwritten signature of Simon Manoski in blue ink, with the date 20.3.15 written to the right.

**Simon Manoski  
A/General Manager  
Metropolitan  
Planning Services**

**Delegate of the Minister for Planning**



**Planning &  
Environment**

#### WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Auburn City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_AUBUR_001_00	Planning proposal to rezone land bounded by Macquarie Road, Simpson Street, St. Hilliers Road and the southern boundary of the B6 Enterprise Corridor zoned land having frontage to Parramatta Road, from R3 Medium Density Residential to R4 High Density Residential. The proposal also seeks to add a new clause to Part 6 - Additional Local Provisions of the Auburn LEP 2010. This new clause identifies the site as a 'key site' (the North Auburn Precinct), for the inclusion of a 2500 m <sup>2</sup> park (public open space) in return for the application of specified floor space ratio and maximum building height controls, as a bonus.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

  
20.3.15

**Simon Manoski**  
**Acting General Manager**  
**Metropolitan**  
**Planning Services**

**Delegate of the Minister for Planning**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP 2015_AUBUR_001_00
Date Sent to Department under s56	29/1//2015
Date considered at LEP Review Panel	N/A
Gateway determination date	20 March 2015.

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information:

## **Appendix 5: Supporting information – Hyder Consulting (25 Aug 2015)**

## SUPPLEMENTARY ADVICE ON TRAFFIC & TRANSPORT FOR NORTH AUBURN PLANNING PROPOSAL (PP-4/2012)



<b>Project:</b>	North Auburn Planning Proposal (PP - 4/2012)	<b>Reference:</b>	AA005093
<b>Client:</b>	Auburn City Council	<b>Date:</b>	25 August 2015
		<b>Rev:</b>	D

### 1. Purpose of this Technical Note

Auburn City Council (Council) is currently progressing a rezoning planning proposal for North Auburn (PP-4/2012). Hyder Consulting Pty Ltd (Hyder) previously undertook a traffic, transport and modelling assessment for *Auburn LGA Traffic and Transport Study (Auburn LGA Study 2013)*, September 2013. The Auburn LGA study 2013 identified the existing transport and traffic issues and strategic responses for the Auburn Local Government Area. The study modelled a number of key intersections across the Auburn City. The study identified poor Levels of Service (LoS) at a number of intersections and made recommendations about future intersection improvement within the Auburn City.

The purpose of this Technical Note is to summarise findings of the cumulative traffic and transport impacts analysis of the proposed rezoning of 'the site' from R3 Medium Density Residential zone to R4 High Density Residential zone and amend principal development standards. The site to which the planning proposal applies is shown in Figure 1 below.

This technical note also fulfils the Department of Planning and Environment's Gateway Determination requirements for condition 1(a) to support the contention that the proposal is unlikely to generate significant traffic or transport impacts to its surrounds.

Detailed traffic assessments for the planning proposal are included in Attachments A to E and appended to this technical note.



Figure 1: North Auburn Planning Proposal Site



## 2. Proposed Rezoning

The site in North Auburn, is bounded by Simpson Street, Macquarie Road (including the road), residential zoned land south of Parramatta Road and St Hilliers Road (refer to Figure 1). The area is predominantly characterised by 2 to 4 storey residential flat buildings. A substantial number of these buildings are strata subdivided development.

A planning proposal has been submitted by Council to rezone the site from R3 Medium Density Residential zone to R4 High Density Residential zone under the *Auburn Local Environmental Plan 2010*. It is proposed that the existing planning controls including Height of Building (HoB) and Floor Space Ratio (FSR) be amended as follows:

- Height of Building: from 9m to 18m and 20m at corner sites; and
- Floor Space Ratio (FSR) from 0.75:1 to 1.7:1 and 2:1 at corner sites.

## 3. Development Traffic Analysis

The following assumptions are used in the traffic generation:

- Strata subdivided lots which already have 2-3 residential flat buildings would not be affected by the proposed rezoning.
- Non strata subdivided lots which have more than 6 units would not be affected by the rezoning.
- Average apartment size is approximately 100 square metres.
- Floor Space Ratio: 1.7:1 and 2:1 at corner sites.
- Maximum Height of Building Buildings: 18m and 20m at corner sites.
- The peak hour trip generation rate per unit is assumed to be 0.19 (morning peak) and 0.15 (afternoon peak) as per Roads and Maritime, Guide to Traffic Generating Developments, August 2013<sup>1</sup>.

The developable land is estimated to be 26,600 square metres (refer to Table 1 below). This is approximately 28% of the total land area. Detailed calculations are included in Attachment A.

Table 1: Developable Land for Planning Proposal

Items	Land Area (square metres)
Total Land Area	95,700
Strata Subdivided Land	55,300
Non Subdivided but with ≥ 6 units	13,800
<b>Developable Land</b>	<b>26,600</b>

### Traffic Generation

The analysis identified potential dwelling yields in the order of 450 units. The traffic generation from 450 units are estimated to be 85 vehicle trips in the morning peak and 68 vehicle trips in the afternoon peak respectively. Table 2 shows trip generation from North Auburn planning proposal.

<sup>1</sup> Roads and Maritime Technical Direction document TDT 2013/04 'A Guide to Traffic Generating Developments' – Updated traffic surveys dated August 2013.

Table 2: Traffic Generation from North Auburn Planning Proposal

Direction	AM Peak (Vehicle trips/hr)	PM peak (Vehicle trips/hr)
Out	68	14
In	17	54
Total	85	68

#### Traffic Distribution

The directional traffic distribution is estimated from observed traffic patterns for the site and is showed graphically in Attachment B. The additional development traffic would access to the site via Parramatta Road, Silverwater Road and Olympic Drive.

#### 4. Traffic Impact Assessment

For the purpose of this study, a ten-year timeframe (i.e. 2025) has been assumed as a design year. Background traffic growth has been assumed to be 0.5% per annum. This is consistent with other traffic studies undertaken within the Auburn LGA. The impact of development traffic from the subject planning proposal has been assessed at three key intersections including:

1. Parramatta Road / Silverwater Road / St Hilliers Road
2. St Hilliers Road / Rawson Street
3. Parramatta Road / Rawson Street / Duck Street.

Attachment C summarises the forecast traffic volumes of the planning proposal.

The 2013 Auburn LGA Study identified potential improvements required for the above mentioned three intersections. These improvements are sourced from Auburn LGA study and included in Attachment D.

The additional development traffic from North Auburn planning proposal has been tested to upgraded intersections for future year. The future performance of these three intersections with and without the planning proposal has been re-assessed using SIDRA software. The 2025 predicted Level of Service with and without the planning proposal is illustrated in Table 3 below. Roads and Maritime Services' level of service criteria based on average delay are included in Attachment E.

The additional traffic from the planning proposal would be accommodated by the upgraded intersections identified at Parramatta Road / Silverwater Road / St Hilliers Road Intersection, St Hilliers Road / Rawson Street intersection and Parramatta Road / Rawson Street / Duck Street intersection. The traffic modelling undertaken for the planning proposal has suggested minor impact to intersection performance (refer to Table 3).

Table 3: Level of Service with and without the Planning Proposal

I.D	Intersection (with proposed upgrades*)	Control	2025 Without Planning Proposal		2025 With Rezoning	
			AM Peak LoS (Delay)	PM peak LoS (Delay)	AM Peak LoS (Delay)	PM peak LoS (Delay)
1	Parramatta Road / Silverwater Road / St Hilliers Road	Upgraded Signal	D (52.4s)	D (56.1s)	D (54.6s)	D (56.5s)
2	St Hilliers Road / Rawson Street	Upgraded Signal	C (38.7s)	C (37.0s)	C (39.0s)	C (37.0s)
3	Parramatta Road / Rawson Street	Upgraded Signal	D (50.4s)	F (88.7s)	D (50.9s)	F (90.2s)

\*Note, potential intersection upgrade as identified in Auburn LGA Traffic and Transport Study (2013)

The planning proposal is predicted to have minor impact to performance of other intersections within the area including the Station Road intersections with Parramatta Road and Rawson Street.



## 5. Conclusion

Auburn City Council (Council) is currently progressing a rezoning planning proposal for North Auburn (PP-4/2012). A planning proposal has been submitted by Council to rezone the site (shown in Figure 1) from R3 Medium Density Residential to R4 High Density Residential zone.

The planning proposal identified potential dwelling yields in the order of 450 units. The traffic generation from 450 units are estimated to be 85 vehicle trips in the morning peak and 68 vehicle trips in the afternoon peak respectively. The development traffic from the subject planning proposal would impact traffic operation at three intersections including:

1. Parramatta Road / Silverwater Road / St Hilliers Road
2. St Hilliers Road / Rawson Street
3. Parramatta Road / Rawson Street / Duck Street.

Hyder Consulting Pty Ltd (Hyder) previously undertook a traffic, transport and modelling assessment for *Auburn LGA Traffic and Transport Study (Auburn LGA Study)*, September 2013. The 2013 Auburn LGA Study identified potential improvements required for the above mentioned three intersections. The additional development traffic from North Auburn planning proposal has been tested to upgraded intersections for future year.

The additional traffic from the planning proposal would be accommodated by the upgraded intersections identified at Parramatta Road/Silverwater Road/St Hilliers Road, St Hilliers Road/Rawson Street and Parramatta Road/Rawson Street/Duck Street. The traffic modelling undertaken for the North Auburn planning proposal has suggested minor operational impact to three analysed intersections.

The traffic and transport strategies identified in the 2013 Auburn LGA Study would accommodate additional traffic from the North Auburn Planning Proposal.

This supplementary advice supports the contention that the traffic and transport impacts created as a result of the North Auburn Planning Proposal is considered as minor and fulfils the Department of Planning and Environment's Gateway Determination condition 1(a) requirements.

# SUPPLEMENTARY ADVICE ON TRAFFIC & TRANSPORT FOR NORTH AUBURN PLANNING PROPOSAL (PP-4/2012)



## Attachment A – Calculation of Development Yields

**Table A1** Calculation of Existing Development Types

Location	Total		Strata Subdivided Development		Non Subdivided but with ≥ 6 units	
	Number of Lots	Area (m <sup>2</sup> )	Number of Lots	Area (m <sup>2</sup> )	Number of Lots	Area (m <sup>2</sup> )
St. Hilliers Road	6	6,407	3	4,219	1	739
Simpson Street	16	8,068	1	1,099	0	0
Station Road	26	23,988	13	13,061	4	3,827
Dartbrook Road	22	20,485	12	12,142	8	7,554
Macquarie Road	14	12,772	7	7,355	1	906
Northumberland Road	27	23,989	19	17,420	1	771
<b>Total</b>	<b>111</b>	<b>95,700</b>	<b>55</b>	<b>55,300</b>	<b>15</b>	<b>13,800</b>

Source: \\HC-AUS-NS-FS-01\jobs\AA005093\AA005093 - 2 July 15 North Auburn\Calculation\Site Analysis\_V02

**Table A2** Calculation of Potential Development Yields

Location	Developable Land Area (m <sup>2</sup> )	Floor Space Ratio	Gross Floor Area	Average Unit Size (100 m <sup>2</sup> )	Potential Dwelling Yield
St. Hilliers Road	1,449	1.7:1	2,500	100	25
Simpson Street	6,969		11,800		118
Station Road	7,100		12,100		121
Dartbrook Road	789		1,300		13
Macquarie Road	4,511		7,700		77
Northumberland Road	5,798		9,900		99
<b>Total</b>	<b>26,600</b>		<b>45,300</b>		<b>450</b>

Source: \\HC-AUS-NS-FS-01\jobs\AA005093\AA005093 - 2 July 15 North Auburn\Calculation\Site Analysis\_V02

# SUPPLEMENTARY ADVICE ON TRAFFIC & TRANSPORT FOR NORTH AUBURN PLANNING PROPOSAL (PP-4/2012)



## Attachment B – Traffic Distribution Patterns

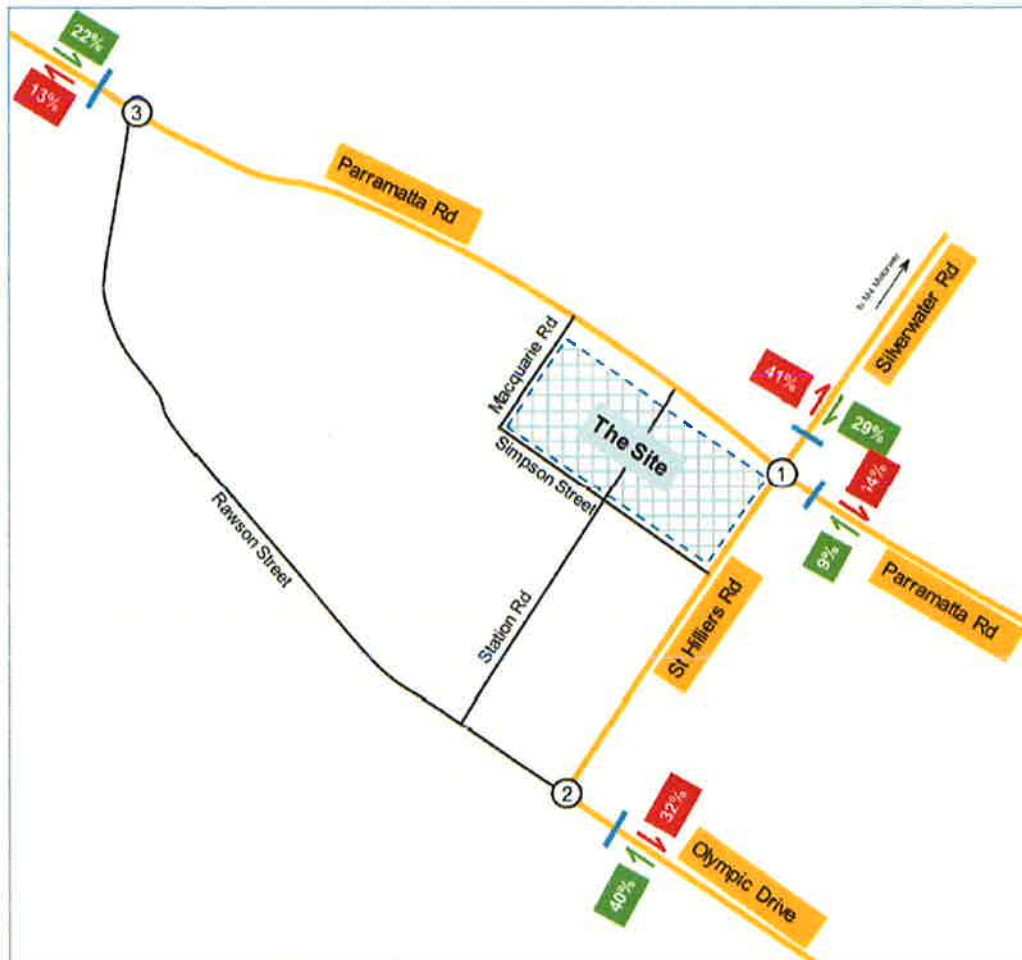


Figure B1: Traffic Distribution Pattern – AM Peak

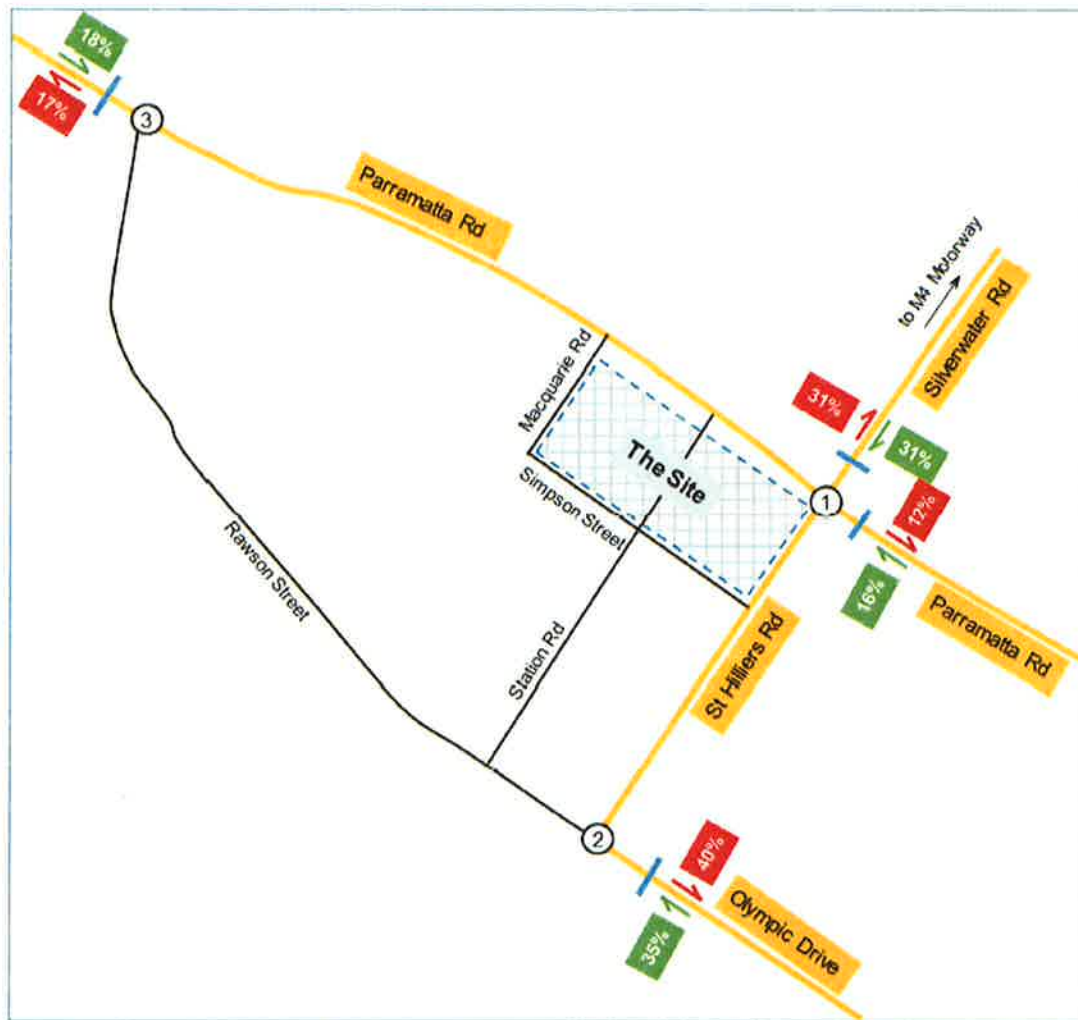


Figure B2: Traffic Distribution Pattern – PM Peak



# SUPPLEMENTARY ADVICE ON TRAFFIC & TRANSPORT FOR NORTH AUBURN PLANNING PROPOSAL (PP-4/2012)



## Attachment C – Future Traffic Volumes with Planning Proposal

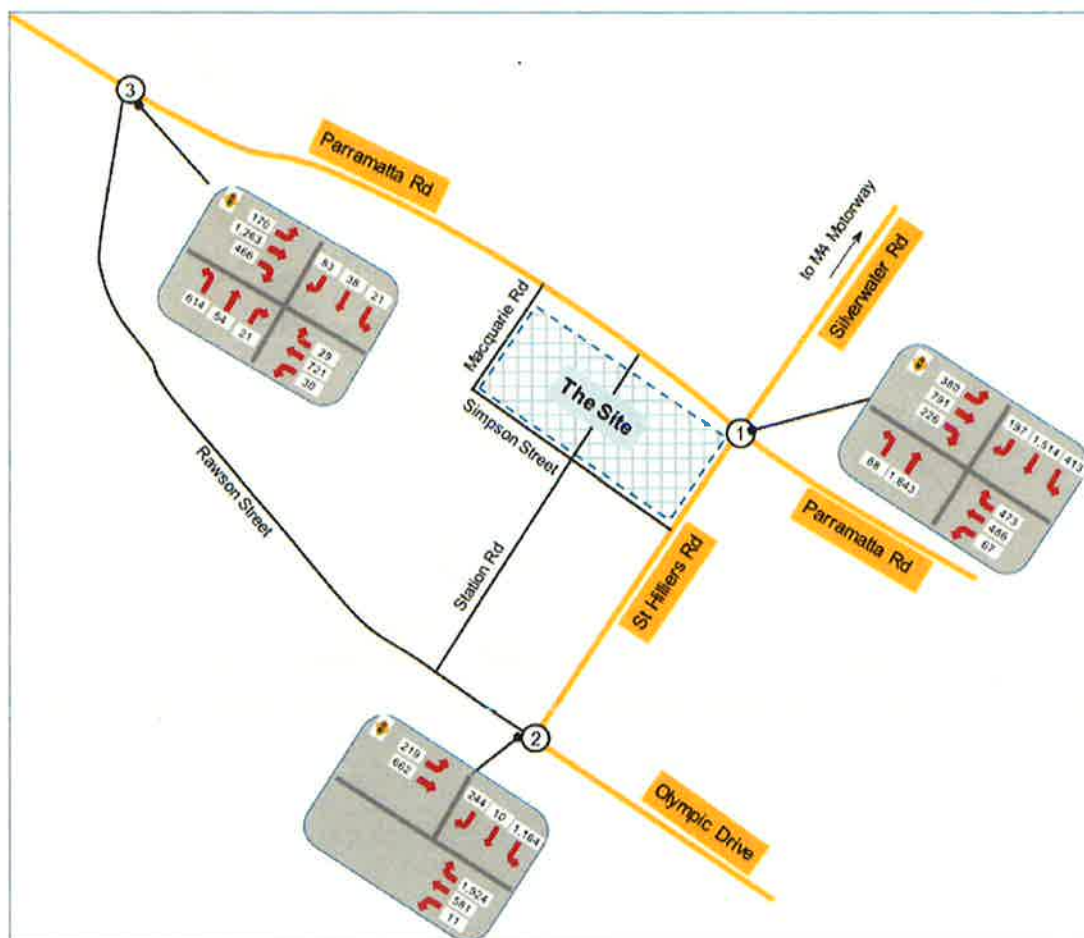


Figure C1 Background Plus Development Generated Traffic Volumes – AM Peak

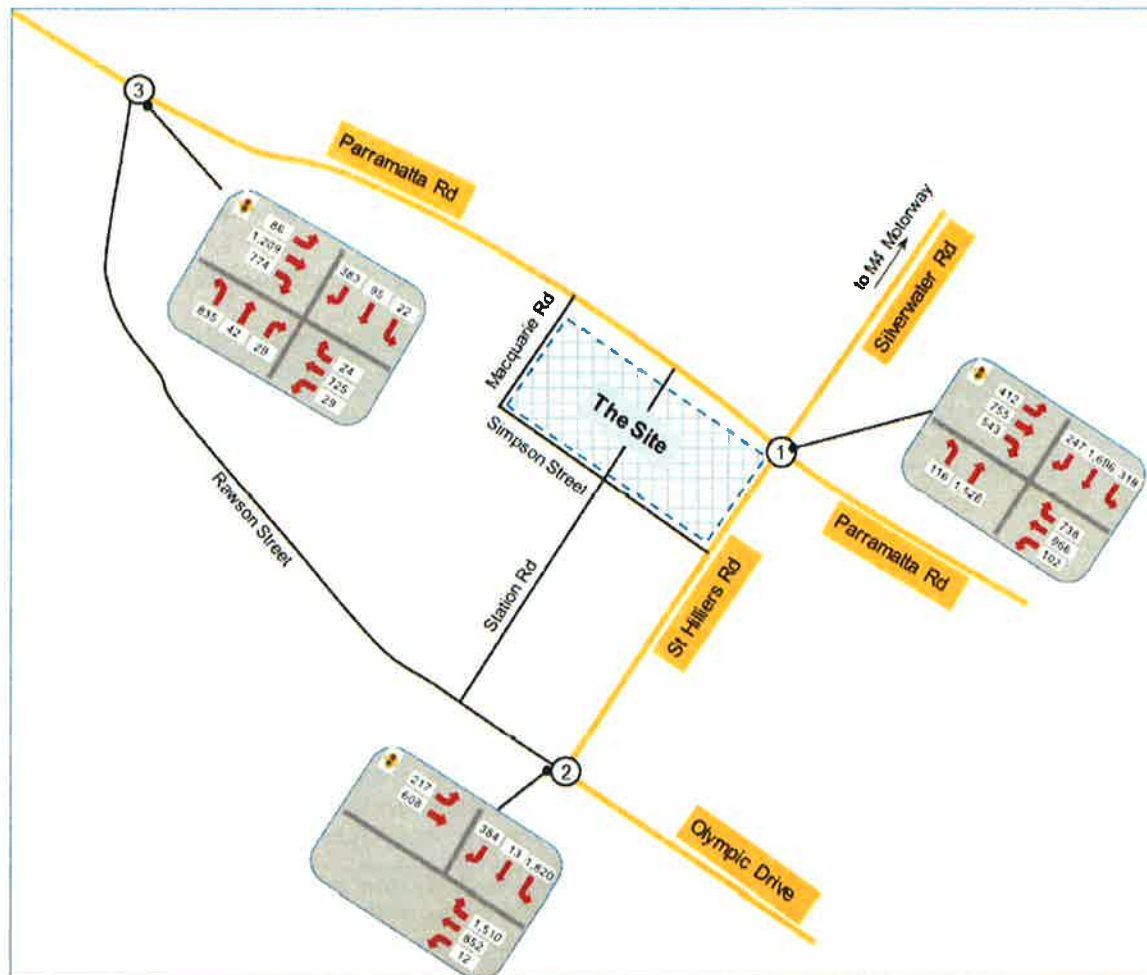


Figure C2 Background Plus Development Generated Traffic Volumes – PM Peak

## SUPPLEMENTARY ADVICE ON TRAFFIC & TRANSPORT FOR NORTH AUBURN PLANNING PROPOSAL (PP-4/2012)



### Attachment D – Potential Improvements Identified at Three Key Intersections as outlined in the Auburn LGA Traffic and Transport Study 2013

ID	Intersection	Potential Improvements
I-31	Parramatta Rd / St Hilliers Rd / Silverwater Rd	<ul style="list-style-type: none"> <li>Extend the length of the existing left turn bay on St Hilliers Road approach. Length of left turn bay will be determined during detailed assessment study.</li> <li>Provide additional southbound through lane on Silverwater Road to utilise existing three lane capacity on St Hilliers Road southbound carriageway. Length of left turn bay will be determined during detailed assessment study.</li> <li>Further consultation with RMS is recommended as part of M4 Managed Motorway Project.</li> </ul>
I-37	St Hilliers Rd / Rawson St	<ul style="list-style-type: none"> <li>Provide additional exclusive left turn lane to connect with the existing (unsignalised) short left turn slip lane on Rawson Street western approach. Length of left turn bay will be determined during detailed assessment study.</li> <li>Possible conversion of four leg intersection to three -leg T-junction. This can be achieved by closing St Hilliers Road south approach, as this approach carries small traffic volumes (less than 20 vehicles in one hour).</li> <li>Provide alternative access for traffic to/from St Hilliers Road south potentially via North Pde-Dartbrook Road and North Parade- Percy Street.</li> </ul>
I-27	Parramatta Road/Rawson Street	<ul style="list-style-type: none"> <li>Provide double left turn (signalised) slip lanes on Rawson Street. This upgrade implies lane discipline change on Rawson Street approach providing double signalised left turn slip lanes and one shared through – right lane at the stop line. Length of left turn bay will be determined during detailed assessment study.</li> <li>Provide additional short right turn bay on Parramatta Road western approach to accommodate double right turn traffic movement from Parramatta Road to Rawson Street. Length of right turn bay will be determined during detailed assessment study.</li> <li>To accommodate double right turn from Parramatta Road on to Rawson Street, two southbound exit lanes are proposed on Rawson Street between Parramatta Road and Highgate Street</li> <li>Further consultation with RMS is recommended as part of M4 Managed Motorway Project.</li> </ul>

## SUPPLEMENTARY ADVICE ON TRAFFIC & TRANSPORT FOR NORTH AUBURN PLANNING PROPOSAL (PP-4/2012)



### Attachment E – Roads and Maritime Services (NSW) Level of Service Criteria

(Source: Table 14.3 Traffic Modelling Guidelines, Roads and Maritime Services, February 2013)

LoS	Control delay per vehicle in seconds (d) (including geometric delay)
	All intersection types
A	$d < 14$
B	$d < 15$ to 28
C	$d < 29$ to 42
D	$d < 43$ to 56
E	$d \leq 57$ to 70
F	$d > 70$

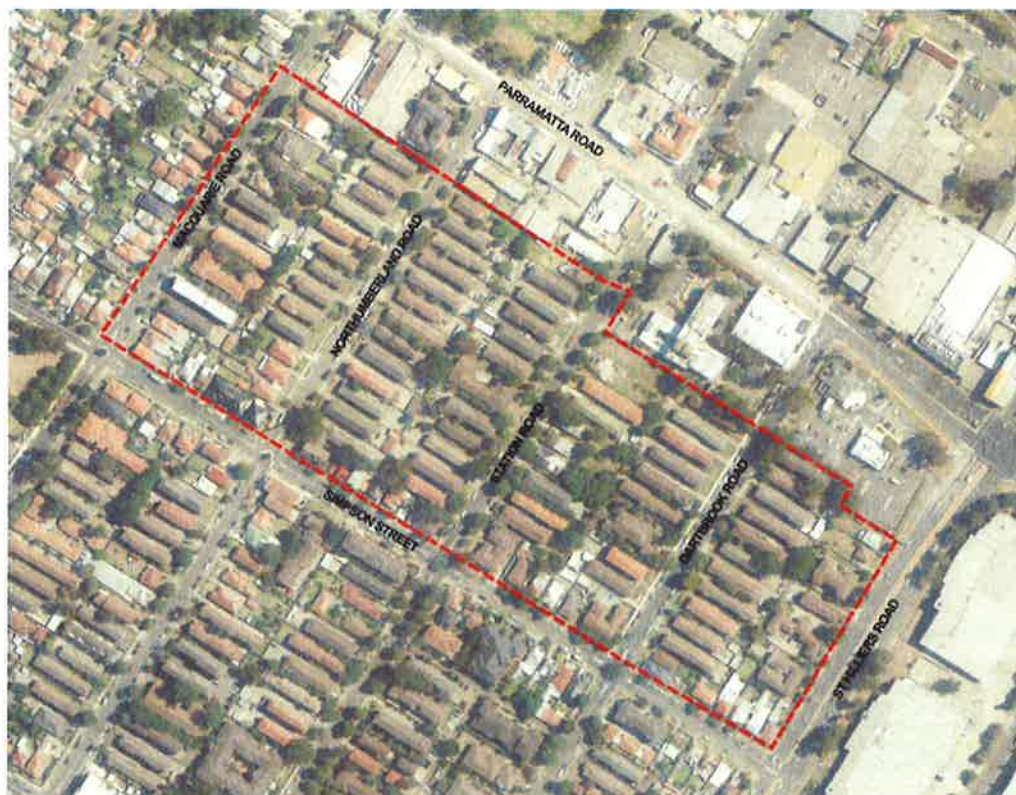
## **Appendix 6: Site specific provisions for North Auburn – AECOM (Oct 2015)**





North Auburn Site Specific Controls  
Auburn City Council  
29-Oct-2015

## North Auburn Site Specific Controls





AECOM

North Auburn Site Specific Controls

## North Auburn Site Specific Controls

### Site Specific Controls

Client: Auburn City Council

ABN: 63 914 691 587

### Prepared by

AECOM Australia Pty Ltd

Level 21, 420 George Street, Sydney NSW 2000, PO Box Q410, QVB Post Office NSW 1230, Australia

T +61 2 8934 0000 F +61 2 8934 0001 [www.aecom.com](http://www.aecom.com)

ABN 20 093 046 825

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North Auburn Site Specific Controls

## Quality Information

Document North Auburn Site Specific Controls





Ref 60328752

Date 29-Oct-2015

Prepared by Jessica Kite

Reviewed by Norma Shankie-Williams

### Revision History

Revision	Revision Date	Details	Authorised	
			Name/Position	Signature
1	14-Sep-2015	DRAFT	Norma Shankie-Williams	
2	22-Sep-2015	DRAFT	Norma Shankie-Williams	
3	13-Oct-2015	DRAFT	Norma Shankie-Williams	
4	29-Oct-2015	FINAL (Final amendments in line with Auburn City Council comments)	Jessica Kite	

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North Auburn Site Specific Controls

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## Executive Summary

Auburn City Council has resolved to allow for greater flexibility in the development controls applicable to the North Auburn Precinct to create an incentive for the provision of a new public park within the Precinct.

On the face of it, the requirement of a park, despite being incentivised by the opportunity for a higher yield on a development site, would present a degree of difficulty in execution that would tend to deter most developers. The need to acquire not one, but two sites, with the potential park site requiring demolition of the existing property and possible remediation before being laid out as a park and transferred to Council, all presents a project of unusual complexity.

Council have nominated a park 2,500sqm in area is to be provided as a result of allowing increased development on a site or sites in the Precinct, but have indicated that an area of at least 1,500sqm could be considered.

It has been demonstrated by examining corner and mid-block sites in the Precinct that a significant increase in FSR, over and above the existing and proposed FSR under Planning Proposal PP-4/2012, on any redevelopment proposals, would be required to deliver the necessary increase in residential units to render the provision of a new park feasible. This assumes no height limit is applied to these redevelopments and that the stipulated area of 2,500sqm is flexible allowing a smaller park (at least 1,500sqm) to be achieved.

The report has examined allowing increased residential development on amalgamated sites currently containing single dwellings. The location of open space within the Precinct, whether it be 2,500sqm or smaller, would need to take account of the type of development already existing on the site to be amalgamated. While there are sites within the Precinct that are not identified to be constrained by strata, some of these contain existing residential flat buildings. The cost of acquiring and demolishing all existing residential units and possibly remediating the site in preparation for a new park would be a very expensive undertaking and arguably it would be impossible to replace these units - in addition to the uplift on the development site - unless the new development were in the order of 20 storeys.

The creation of a smaller park either on the same amalgamated site as the new development or by acquiring fewer adjacent properties is likely to be more successful. Therefore the size of the park is a key consideration in terms of feasibility.

It is also noted that no detailed floorplans have been developed in conjunction with this study, to determine how units would be set out on each floor of the new developments. As such central cores, lifts, access to daylight and ventilation are all matters that would further impact the feasibility of delivering such a large number of units required to render delivery of a new 2,500sqm park feasible.

Any redevelopment that also offers a new public park should also ensure the park site put forward is easily accessible to all residents in the Precinct and should include an initial fit-out to Council's satisfaction before the land is transferred for Council's on-going care, control and management.



## 1.0 Introduction

At its meeting on 15 October 2014 (Item 325/14) Council resolved to prepare a Planning Proposal (PP-4/2012) to rezone land in North Auburn from R3 Medium Density to R4 High Density (herein referred to as the North Auburn Precinct). Council has subsequently prepared a detailed Planning Proposal (PP-4/2012) to rezone the site accordingly and to include an increase in the maximum building height and floor space ratio (FSR) controls. The amendments to *Auburn Local Environmental Plan 2010* (ALEP 2010) also seek to include development incentives relating to additional floor space and building height for development sites in the precinct, where the provision of a 2,500sqm park area is provided as part of the development proposal.

The planning proposal subsequently received a Gateway Determination on 20 March 2015 and is required to be publicly exhibited for 28 days. The Gateway determination also requires that the Council's Auburn LGA Traffic and Transport Study (2013 – Hyder Consulting Pty Ltd) be reviewed and that supplementary traffic advice be obtained and exhibited with the planning proposal.

### 1.1 Purpose and objective of the study

The key purpose of the project is to recommend amendments to the existing ALEP 2010 and ADCP 2010 controls to incentivise and facilitate the provision of a 2,500sqm public park within the North Auburn Precinct. The objectives of the study include:

- Prepare and test two development scenarios, focussing on one mid-block site and one corner site, to understand whether the LEP amendments under PP-4/2012 are sufficiently generous to incentivise the delivery of a 2,500sqm public park and, if not, determine the level of controls needed to deliver sufficient residential yield that would make it feasible.
- Draft proposed amendments to ALEP 2010 and ADCP 2010 that could be applied to the Precinct to support the delivery of 2,500sqm public park in association with a future development proposal within the Precinct.

Based on the findings of the above, this study also seeks to:

- Identify potential locations of open space in the precinct (probably as part of a development site)
- Advise on development feasibility and the extent of redevelopment required to deliver a new park in the precinct.

Clearly to provide a public park as part of any redevelopment, it needs to be easily accessed from the street and not overshadowed, but benefit from sufficient levels of sunlight to make it appealing to the community. Such a park could be provided adjacent to a single redevelopment site or potentially sit between two redevelopment sites. However, as this report demonstrates, the provision of a public park in this Precinct will require enhanced development incentives.

## 2.0 Background to the North Auburn Precinct

### 2.1 The North Auburn Precinct

The North Auburn Precinct comprises land bounded by Macquarie Road, Simpson Street, St Hilliers Road and the southern boundary of land zoned B6 Enterprise Corridor which has frontage to Parramatta Road (refer to Figure 1).

Existing development in the Precinct consists of a mixture of single residential dwellings and 2-3 storey residential flat buildings (RFBs), consistent with the R3 – Medium Density Residential zoning on the site. RFBs currently cover around 70 per cent of the Precinct.

Figure 1 North Auburn Precinct



Source: Auburn City Council, 2013

#### 2.1.1 Existing open space

A number of areas of active open space are located close to the Precinct, including Auburn Park to the west and Wyatt Park to the southeast. Access to areas of passive open space from the Precinct is more limited, particularly due to physical barriers such as Parramatta Road to the north and the railway to the south.

Bardo Park is located south of the Precinct on Station Road and consists of a playground and is, for the most part, covered by a soft fall/astro turf surface.

While there is an existing shortfall of open space throughout the Auburn LGA more generally, passive open space near the North Auburn Precinct is in particularly short supply and the higher density residential zoning of the Precinct and surrounds is further impetus to increase supply to meet local needs.

#### 2.1.2 Opportunities

The North Auburn Precinct is advantageously located less than 800m of Auburn Station and Town Centre and around 100-300m from the Parramatta Road Corridor which is a key focus for urban renewal. By virtue of these attributes, the Precinct was also identified in the recent *Auburn Residential Development Strategy (RDS)* (March 2015) as an area for further investigation. A direct bus route, which runs through the centre of the Precinct along Station Road, links the Precinct to both the Parramatta Road and Auburn Station.



### 2.1.3 Constraints

As part of the Auburn RDS, existing constraints to development throughout the Auburn LGA, such as flooding, heritage, strata, open space and conservation areas, were identified and mapped. Existing development constraints within the North Auburn Precinct were limited to strata titled land, with the majority of lots within the Precinct (i.e. around 70%) strata subdivided, containing 2-3 storey RFBs containing 6 or more residential units and therefore multiple owners (refer to Figure 2).

Strata titled sites can be very difficult to redevelop due to this multiple land ownerships. The provisions of the existing *Strata Scheme Management Act 1996* make them difficult to secure as a whole block to redevelop.

Unless all owners agree to redevelop, or the block is sold to a single owner or development consortium, the potential for redevelopment is low. For this reason, this study has focussed on sites that are currently under single ownership and those that could be more readily amalgamated.

No other constraints were identified for the North Auburn Precinct.

Figure 2 Strata titled land



Source: Auburn City Council, 2013

## 3.0 Planning Framework

### 3.1 Local planning provisions

#### 3.1.1 Auburn Local Environmental Plan 2010 (ALEP 2010)

##### Land zoning

The site is currently zoned R3 – Medium Density Residential under ALEP 2010. The LEP permits a number of residential uses within the R3 zone, which include the following:

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing.*

##### Floor Space Ratio

The site has a current FSR of 0.75:1

##### Height of Buildings

The Precinct has a maximum permissible building height of 9 metres.

#### 3.1.2 North Auburn Planning Proposal

The Planning Proposal seeks to rezone this land from R3 Medium Density Residential to R4 High Density Residential, as well as include a new clause under Part 6 – Additional Local Provisions of ALEP 2010 to identify a 'key site' for the inclusion of a 2,500sqm public park in return for a bonus FSR and increased building height.

##### Land zoning

The site is proposed to be rezoned to R4 – High Density Residential under ALEP 2010. A number of residential uses are permitted under the R4 zone, which include the following:

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Shop top housing.*

##### Floor Space Ratio

The Planning Proposal increases the maximum FSR on land within the Precinct from 0.75:1 to 1.7:1 and 2:1 on corner sites.

In addition, any development within the precinct that can deliver a park of 2,500sqm would benefit from a 0.3:1 FSR bonus. Sites that meet the eligibility criteria would therefore have a maximum FSR of 2:1.

##### Height of Buildings

Increases the maximum HOB within the Precinct from 9 metres to 18 metres, and 20 metres for corner sites.

For any site within the precinct that can deliver a 2,500sqm public park, a height bonus of 7 metres applies. Sites that meet the eligibility criteria would therefore have a maximum height of 25 metres, (approximately 8 storeys).

##### Through site connection with open space

Dedicate a through-site link of at least 6 metres from the property boundary.

#### 3.1.3 Auburn Development Control Plan 2010 (ADCP 2010)

Auburn Development Control Plan 2010 provides detailed objectives and controls for development within Auburn City. ADCP 2010 includes provisions for built form, open space and landscaping, access and car parking, privacy and security, residential and pedestrian amenity. The relevant objectives and controls for Residential Flat Buildings under ADCP 2010 have been used to inform the site testing and are summarised overleaf.

### Site Area

The site area of a proposed development is of sufficient size to accommodate residential flat development and provide adequate open space and car parking consistent with the relevant development control requirements of this DCP.

- A residential flat building development shall have a minimum site area of 1000sqm and a street frontage of 20 metres in the B4 Zone or 26 metres in the R4 Zone.
- Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.

### Site Coverage

- The built upon area shall not exceed 50% of the total site area.
- The non-built upon area shall be landscaped and consolidated into one communal open space and/or a series of courtyards.

**Building envelope:** The height, bulk and scale of a residential flat building development is compatible with neighbouring development and the locality.

- Council may consider a site specific building envelope for certain sites, including:
  - double frontage sites;
  - sites facing parks;
  - sites adjoining higher density zones; and
  - isolated sites.
- The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000sqm.
- The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850sqm.

### Setbacks

Minimise impacts on the streetscape and adjacent buildings

- Front setbacks: 4-6 metres to the street and 2 metres to laneways.
- Side setbacks: 3 metres
- Rear setback: minimum of 10m from the property boundary.
- Haslam's Creek: a minimum setback of 10m from the top of the creek bank and its tributaries.

### Building depth

The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).

### Floor to ceiling heights

The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.

### Landscaping

- A minimum of 30% of the site area shall be a deep soil zone.
- Deep soil zones shall have minimum dimensions of 5m.



### 3.2 Auburn Residential Development Strategy (March 2015) (Auburn RDS)

The North Auburn Precinct was identified as an area for further consideration under the Auburn RDS by virtue of its location within 800m of Auburn Station. However, the potential for redevelopment is limited by the fact that 70% of the Precinct is already in multi-unit occupation and further redevelopment of these sites would only occur if development standards were relaxed sufficiently to make this feasible through much greater dwelling yield.

### 3.3 NSW Apartment Design Guide

The NSW Apartment Design Guide provides consistent planning and design standards for apartments across the State and provides criteria and general guidance on how development applications can achieve the nine design quality principles under *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*. The design criteria relevant to future residential flat developments within the North Auburn Precinct is outlined in Table 1.

Table 1 NSW Apartment Design Guide requirements

Item	Requirement
<b>2A Primary controls</b>	Primary development controls include building height, floor space ratio, building depth, building separation and setbacks (referred to in sections 2C-2H). When applied together, the primary development controls create a building envelope, which forms the three dimensional volume where development should occur.
<b>2B Building envelopes</b>	A building envelope should be 25-30% greater than the achievable floor area
<b>2C Building height</b>	The Apartment Design Guide applies to buildings of three or more storeys.
<b>2D Floor space ratio</b>	The allowable gross floor area should only 'fill' approximately 70% of the building envelope.
<b>2E Building depth</b>	Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.
<b>2F Building separation</b>	Minimum separation distances to buildings are:  Up to 4 storeys (approximately 12m): 12m between habitable rooms/balconies. 9m between habitable and non-habitable rooms. 6m between non-habitable rooms.  5-8 storeys (approximately 25m): 18m between habitable rooms/balconies. 12m between habitable and non-habitable rooms. 9m between non-habitable rooms.  9+ storeys (over 25m): 24m between habitable rooms/balconies. 18m between habitable and non-habitable rooms. 12m between non-habitable rooms.
<b>2G Street setbacks</b>	Various requirements.
<b>2H Side and rear setbacks</b>	Various requirements.

<b>3D Communal and public open space</b>	Communal open space has a minimum area equal to 25% of the site.  Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).												
<b>3E Deep soil zones</b>	Deep soil zones are to meet the following minimum requirements: <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>Less than 650m<sup>2</sup></td><td>--</td><td rowspan="4">7%</td></tr><tr><td>650m<sup>2</sup> – 1,500m<sup>2</sup></td><td>3m</td></tr><tr><td>greater than 1,500m<sup>2</sup></td><td>6m</td></tr><tr><td>greater than 1,500m<sup>2</sup> with significant tree cover</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	Less than 650m <sup>2</sup>	--	7%	650m <sup>2</sup> – 1,500m <sup>2</sup>	3m	greater than 1,500m <sup>2</sup>	6m	greater than 1,500m <sup>2</sup> with significant tree cover	6m
Site area	Minimum dimensions	Deep soil zone (% of site area)											
Less than 650m <sup>2</sup>	--	7%											
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m												
greater than 1,500m <sup>2</sup>	6m												
greater than 1,500m <sup>2</sup> with significant tree cover	6m												
<b>Amenity</b>													
<b>4A Solar and daylight access</b>	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.  In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.  A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.												
<b>4B Natural ventilation</b>	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.  Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.  Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line												

4C Ceiling heights	<p>Minimum ceiling heights are specified as follows:</p> <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable rooms</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable rooms	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use			
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If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use															
4D Apartment size and layout	<p>Apartments are required to have the following minimum internal areas:</p> <table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>50m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>70m<sup>2</sup></td></tr><tr><td>3 bedroom</td><td>90m<sup>2</sup></td></tr></table>	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>					
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2 bedroom	70m <sup>2</sup>															
3 bedroom	90m <sup>2</sup>															
4E Private open space and balconies	<p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table>	Dwelling type	Minimum area	Minimum depth	Studio	4m <sup>2</sup>	-	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m
Dwelling type	Minimum area	Minimum depth														
Studio	4m <sup>2</sup>	-														
1 bedroom	8m <sup>2</sup>	2m														
2 bedroom	10m <sup>2</sup>	2m														
3+ bedroom	12m <sup>2</sup>	2.4m														
4F Common circulation and spaces	<p>The maximum number of apartments off a circulation core on a single level is eight.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>															
4G Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4m<sup>2</sup></td></tr><tr><td>1 bedroom</td><td>6m<sup>2</sup></td></tr><tr><td>2 bedroom</td><td>8m<sup>2</sup></td></tr><tr><td>3+ bedroom</td><td>10m<sup>2</sup></td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	Studio	4m <sup>2</sup>	1 bedroom	6m <sup>2</sup>	2 bedroom	8m <sup>2</sup>	3+ bedroom	10m <sup>2</sup>					
Dwelling type	Storage size volume															
Studio	4m <sup>2</sup>															
1 bedroom	6m <sup>2</sup>															
2 bedroom	8m <sup>2</sup>															
3+ bedroom	10m <sup>2</sup>															



The NSW Apartment Design Guide also notes that common settings for RFBs include strategic centres, local centres, urban neighbourhoods and suburban neighbourhoods. It is considered that Auburn would fall within the definition of a local centre or urban neighbourhood and therefore the considerations for developing RFBs in these locations are outlined below.

- **Local centres:** *considerations for residential apartment development in local centres include shop top housing, high site coverage, narrow site frontages, heritage, relationship with adjacent low density residential uses and multiple small lot land ownership requiring amalgamation to support changing use and density.*
- **Urban neighbourhoods:** *Considerations for residential apartment development in these settings include overshadowing, amenity and privacy impacts between existing and future buildings, open space patterns, existing vegetation, demand for new public domain elements, variety of lot sizes and shapes and changing streetscape and scale.*

As provided in Table 1, The Apartment Design Guide also provides guidance in relation to deep soil zones and communal open space. Sites of more than 1,500sqm would be required to have a deep soil zone equivalent to 7% of the total site area and sites are required to have adequate communal open space equal to 25% of the site.

In relation to the above, Auburn would be considered to be a local centre. The implication of the above requirements is that a 'high site coverage' and the provisions in relation to deep soil zones and communal open space may be inconsistent with the 50% site coverage requirement under ADCP 2010, as well as the 30% deep soil zone requirement under ADCP 2010. Notwithstanding, this may be subject to review in order to achieve the development outcomes sought as part of this study.

## 4.0 Site testing

### 4.1 Identification of sites

A site visit was conducted on July 27, 2015 to understand the existing site context, the nature of existing development and streetscape character of the North Auburn Precinct. All roads were traversed during the inspection, with focus on a number of key sites already identified by Council. These sites were generally those that contained two or more adjoining lots not currently constrained by multiple ownerships and that therefore presented more immediate potential for redevelopment (refer to Figure 3).

The site inspection was instrumental to informing potential development controls and firming up the sites to be focussed on in relation to site testing as part of the development scenarios.

Figure 3 Sites for testing



### 4.2 Development Scenarios

Early modelling has been undertaken to test the feasibility of the existing controls, in particular height and FSR in accordance with the LEP amendments proposed under the North Auburn Planning Proposal. Further detailed feasibility and urban design testing would be required to more precisely confirm the viability outcomes. However the preliminary site testing provides a good indication of the viability of developing a new park and the potential additional FSR that would be required to incentivise developer investment to deliver the outcomes sought.

The following sites were examined as part of the study, either for redevelopment for residential flat buildings (RFB) or public open space adjacent to these potential redevelopment sites.

Table 2 Overview of sites considered for RFBs and open space

Site ID	Address	Legal descriptions	Site area	Site description
Site A	55A - 59 Macquarie Road and 31 to 33 Simpson Street	Lot 1 in DP 547192 Lot 1 in DP 938423 Lot 2 in DP 650849 Lot 1 in DP 939821 Lot 1 in DP 973301	2,245sqm	The site is located on the corner of Macquarie Road and Simpson Street and currently contains a collection of single dwellings, adjoined by 2 storey RFBs located on Macquarie Road and Northumberland Road.
Site B	77-85 Station Road	Lot 1 and 2 in DP 399941 Lot 28 in DP995 Lot 1 and 2 in DP 502468	2,790sqm	The site is a mid-block site and currently contains single dwellings and is adjoined by RFBs on all sides. RFBs are also located adjacent to the site, on the opposite side of Station Road.
Site C	85-91 Dartbrook Road and 9A Simpson Street	Lot 1 and 2 in DP377827 Lot 23 in DP 561565 Lot 1 in DP 980542 Lot 3 in DP377827	2,190sqm	The site is located on the corner of Dartbrook Road and Simpson Street currently contains single dwellings at 85 - 87 Dartbrook Road and 9A Simpson Street, and 2-3 storey RFBs at 89-91 Dartbrook Road. The site is also adjoined by both single storey and RFB development.
Site D	74-78 Northumberland Road*	Lot 18, 19 and 20 in DP 995	2,270 sqm	The site is a mid-block site and currently contains three single residential dwellings. The site is adjoined by 2-3 storey RFBs on all sides, with this type of development also located adjacent to the site; on the opposite side of Northumberland Road.
Site E	79-81 Macquarie Road*	Lot 1 in DP 179912 Lot 2 in DP 305425	2,200 sqm	The site is a mid-block site and currently contains single residential dwellings. The site is adjoined by 2-3 storey RFBs on all sides.
Site F	15-21 Simpson Street	Lots 1,2 and 3 in DP 984226 Lot C in DP347833	2,220 sqm	The site is a mid-block site, with frontage to Simpson Street. The site currently contains single dwellings and is adjoined by existing 2-3 storey RFBs.
Site G	72-74 Dartbrook Road*	Lot 14 and 15 in DP 995	1,895sqm	The site is a mid-block site, with frontage to Dartbrook Road. The site currently contains and is adjoined by 2-3 storey RFBs.
Site H	3-9 Simpson Street*	Lots 1 to 3 in DP113928 and Lot 11 in DP804244	1,940sqm	The site is a corner site, with frontage to Simpson Street and St Hilliers Road. The site contains single dwellings and is adjoined by existing 2-3 storey RFBs and a single dwelling.

\*Sites considered for public park are indicated in green.



### 4.3 Site testing assumptions

An indication of economic feasibility has been calculated for a number of redevelopment scenarios, which tested both corner and mid-block scenarios within the North Auburn Precinct. Site testing was based on the following:

- Construction costs provided in the Davis Langdon Blue Book, (AECOM).
- A \$2,000/sqm value for sites derived from RPData to estimate the purchase cost of land for a new park.
- A unit sale value of \$560,000 (assuming 2-3 bedroom units at 100sqm).
- 'Standard' development options possible under the North Auburn Planning Proposal, which includes a bonus FSR of 0.3:1 for sites that can deliver at least 2,500sqm of open space. An FSR of 2:1 has therefore been applied to both corner and mid-block sites.
- 'Feasible' options of the additional dwelling yield that may need to be achieved to make provision for a new 1,500-2,500sqm park.
- Achieving the maximum yield under both standard and feasible. It is also noted that GFA excludes ancillary elements such as plant, lift overruns and common hallways and is therefore calculated at 80% of the building envelope.
- The provision of basement car parking.

A more detailed overview of the site testing assumptions is provided in Appendix A.

## 5.0 Development Scenarios

### 5.1 Scenario 1 – Corner block site (Site A)

#### 5.1.1 Option 1 (Standard)

Under the bonus FSR and height controls outlined under PP-4/2012, the maximum FSR of 2:1 and maximum height of 25m may be applied. Paired with the site coverage guidelines of 50% within the ADCP 2010, the rezoning has the potential to provide approximately 44 apartments within 5 storeys. Whilst this is slightly higher than immediate surrounds, impacts of overshadowing are considered acceptable, as would be the change in street character. The indicative building envelope and overshadowing impacts are demonstrated in Figure 5.

Figure 4 ADCP 2010 Controls applied to corner site

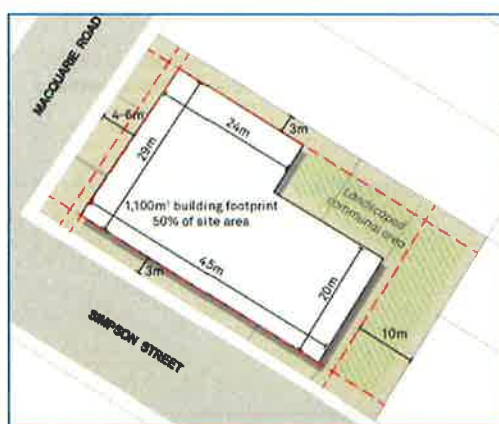
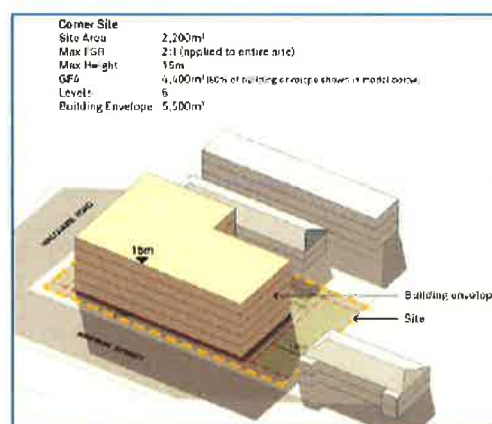


Figure 5 Standard Option



High level viability testing of the standard option was undertaken with respect to the theoretical inclusion of a 2,500sqm public park, as well as a 2,270sqm park on the adjoining Site D. While Site D is smaller than the 2,500sqm sought for a park, it was selected on the basis that it adjoins Site A and could be accessed directly from Northumberland Road. The outcome of the site testing revealed that the existing controls are not sufficient to incentivise the delivery of a public park, even if it were smaller than the 2,500sqm. This can be attributed to the cost of land acquisition and development costs (i.e. hard and soft costs).



### 5.1.2 Option 2 (Feasible) – 2,500sqm park

Based on the site testing outcomes of the standard option, further analysis was undertaken to determine the likely additional dwelling yield that would be needed to render the delivery of a new 2,500sqm park viable. The testing revealed that an additional 4,100sqm of GFA, or around 41 additional dwellings, would be needed. This would require an additional 4 storeys above the standard option, bringing the development on the site to 9 storeys. This would then allow the acquisition of sufficient land for a new park.

As shown in Figure 7, an FSR increase of 3.86:1 (93% greater than the standard option) would be needed to enable the provision of a 2,500sqm park. This increase in GFA would equate to a total height of around 27 metres or 9 storeys, which is 2m higher than the 25m bonus height provision. The increased height is around 3 storeys higher than the 18m building height permitted across the North Auburn Precinct and based on the modelling outcome shown in Figure 7, would result in some overshadowing of the public domain and adjacent properties.

Figure 6 ADCP 2010 Controls applied to corner site

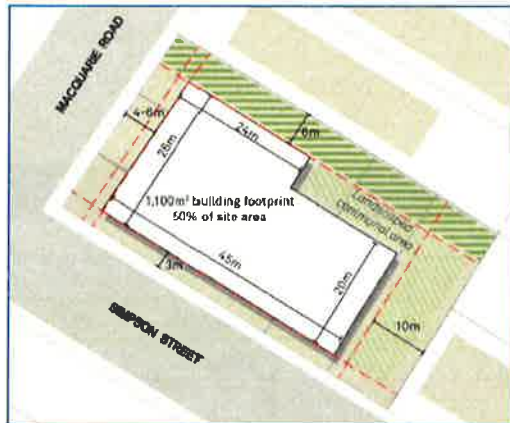
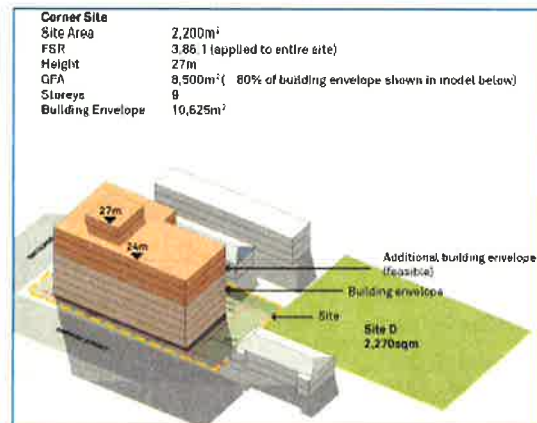


Figure 7 Feasible Option – 2,500sqm park



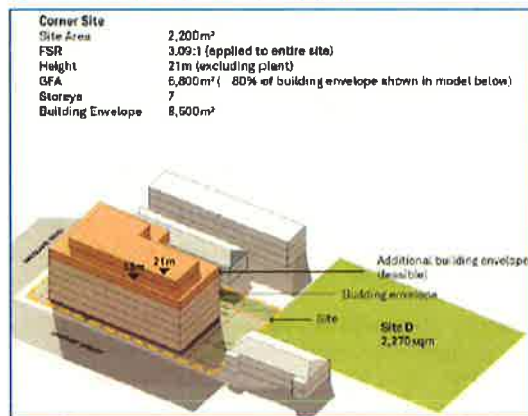
### 5.1.3 Option 3 (Feasible) – 1,500sqm park

To understand the effect of delivering a smaller park on development feasibility, additional modelling was undertaken for the inclusion of a 1,500sqm park. A size of 1,500sqm was used as a baseline for further modelling given that most of Council's parks within the Auburn LGA are at least 1,500sqm.

The testing revealed that an additional 2,400sqm of GFA, or around 24 additional dwellings, would need to be provided on the site. This would equate to an additional 2 storeys above the standard option.

As shown in Figure 8, an FSR of about 3.09:1 would be required, which equates to a GFA increase of about 55% to enable the 1,500sqm park. The increased GFA would bring the building height to 21m, which is still 4m below the 25m bonus height provision. Based on the modelling outcome shown in Figure 7, the height increase would not result in unreasonable overshadowing or streetscape impacts.

Figure 8 Feasible Option – 1,500sqm park



The three options outlined above are summarised in Table 3.

Table 3 Summary of options – corner site

Factor	Option 1 (DCP Controls)	Option 2 (Feasible) – 2,500sqm park	Option 3 (Feasible) – 1,500sqm park
FSR	2:1	3.86:1	3.09:1
GFA	4,400sqm	8,500sqm	6,800sqm
Building Envelope	5,500sqm	10,625sqm	8,500sqm
Building Height (excluding plant and lift overruns)	15m	27m	21m
Storeys	5	9	7
Dwellings	44	85	68

## 5.2 Scenario 2 – Mid-block site (Site B)

### 5.2.1 Option 1 (Standard)

Under the proposed ALEP 2010 controls relating to PP-4/2012, the maximum FSR of 1.7:1 and maximum height of 18m may be applied. While a maximum FSR of 2:1 would apply in conjunction with the delivery of a 2,500sqm public park, the standard FSR of 1.7:1 has been tested to estimate the likely increase in FSR that would need to be achieved on a mid-block site in order to incentivise the public park. Paired with the site coverage guidelines of 50% within the ADCP 2010, the rezoning has the potential to provide approximately 47 apartments within 5 storeys. Figure 10 shows that whilst this is slightly higher than surrounding development, overshadowing impacts could be considered acceptable. The indicative building envelope and overshadowing impacts are demonstrated in Figure 10.

Figure 9 ADCP 2010 Controls applied to mid-block site

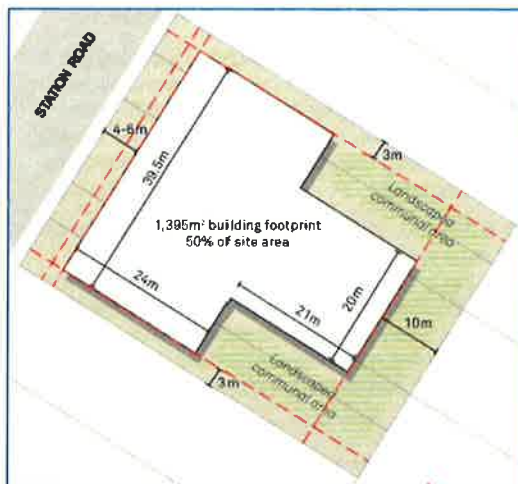
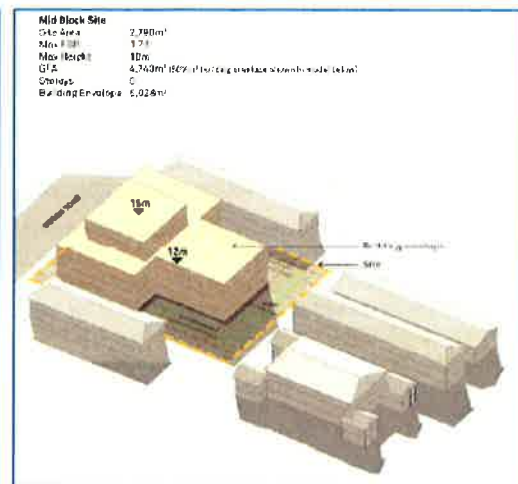


Figure 10 Standard Option



High level viability testing of the standard option was undertaken with respect to the theoretical inclusion of a 2,500sqm public park, as well as a smaller park of around 1,900sqm. The outcome of the site testing revealed that the existing controls are not sufficient to incentivise the delivery of a public park, even if the land acquisition for the park was reduced by 25%.



### 5.2.2 Option 2 (Feasible) – 2,500sqm park

Based on the site testing outcomes of the standard option, further analysis was undertaken to determine the likely GFA and dwelling yield that would need to be achieved in order to render delivery of a new park viable. Option 2 tested a number of scenarios, each incorporating the provision of a 6m through-site link, as outlined below.

- Delivery of the theoretical 2,500sqm park: The testing revealed that around 48 additional dwellings would need to be accommodated on the site to make provision of a 2,500sqm park feasible. This equates to around 9,500sqm of GFA and around 3-4 additional storeys. The resulting FSR would be 3.4:1, which is double the 1.7:1 FSR control that applies across the North Auburn Precinct and 70% greater than the 2:1 bonus provision.

The total increase in height would be about 24m (8 storeys) which is still below the 25m bonus height provision. While the modelling shows that increasing the FSR on the site, in conjunction with an increased side setback to accommodate a 6m through-site link, would not necessitate a substantial height bonus, there are likely to be substantial overshadowing impacts on the adjoining property to south (refer to Figure 12).

- Delivery of a park adjoining the site at Site G (1,895sqm): The location of a new park on the adjoining Site G was contemplated, however due to the presence of existing RFBs on this site, the redevelopment outcome would ultimately be unfeasible unless 20+ storeys could be accommodated on the site. This is due to the significant costs that would be associated with acquisition and demolition. Achieving 20+ storeys on this site would also result in adverse streetscape and overshadowing impacts. This scenario is therefore considered unfeasible from an urban design and development viability perspective.

Based on the outcomes of the two scenarios tested, while Site B presents a suitably sized and positioned site for redevelopment, the reality of developing this site with adjoining open space on Site G is unlikely unless a significant relaxation of the planning controls is permitted. In addition to the high acquisition and demolition costs, it would arguably be impossible to replace the 30 or so existing units - in addition to the uplift on the development site - unless the new development were in the order of 20 storeys as outlined above. For these reasons, other opportunities for open space should be explored throughout the precinct which would complement the development of Site B, which at almost 3,000sqm represents the largest possible redevelopment opportunity in the Precinct.

Figure 11 ADCP 2010 Controls applied to mid-block site

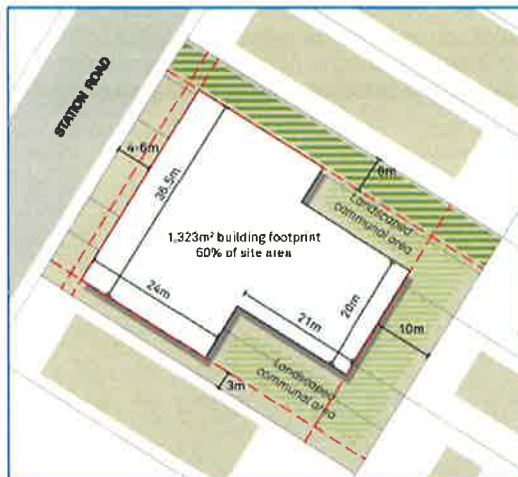
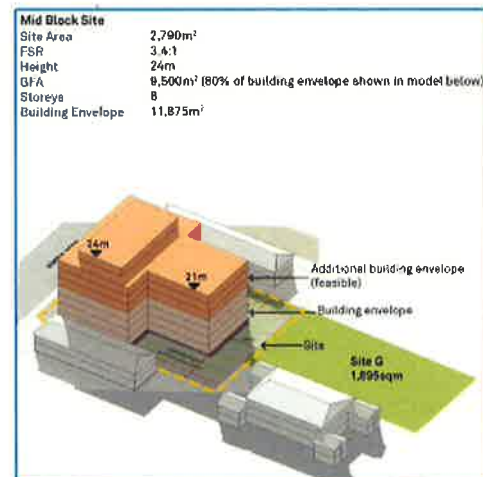


Figure 12 Feasible Option

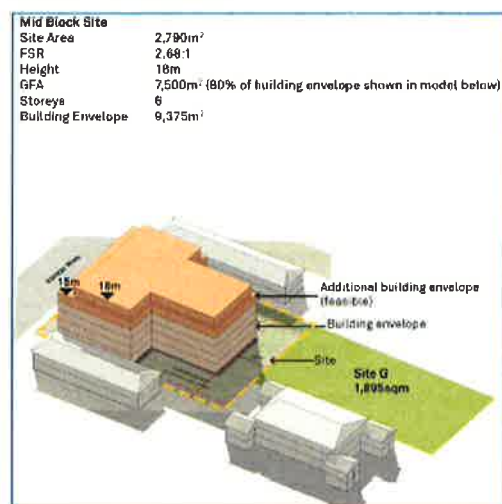


### 5.2.3 Option 3 (Feasible) – 1,500sqm park

The testing revealed that an additional 2,757sqm of GFA (above the standard option), or around 28 additional dwellings, would need to be accommodated on the site. This would require an additional 1 storey above the standard option to accommodate a total of 75 dwellings on the site and to render a 1,500sqm park feasible.

As shown in Figure 13, an FSR of about 2.68:1 would be required, which equates to about 60% more GFA than under the standard option. This increase in GFA would equate to a total height of around 18m or 6 storeys, which is 7m below the 25m bonus height provision and consistent with the 18m building height permitted across the North Auburn Precinct. Based on the modelling outcome shown in Figure 7, this option would not result in unreasonable overshadowing or streetscape impacts.

Figure 13 Feasible Option



The three options outlined above are summarised in Table 4.

Table 4 Summary of options - mid-block site

Factor	Option 1 (DCP Controls)	Option 2 (Feasible) – 2,500sqm park	Option 3 (Feasible) – 1,500sqm park
FSR	1.7:1	3.4:1	2.68:1
GFA	4,743sqm	9,500sqm	7,500sqm
Building Envelope	5,928sqm	11,875sqm	9,375sqm
Building Height (excluding plant and lift overruns)	18m	24m	18m
Storeys	5	8	6
Dwellings	47	95	75



## 6.0 Key findings and comments

The key findings of the site testing are as follows:

- Based on the outcomes of the modelled scenarios, the achievement of a 2,500sqm park would require a 93% increase (to 3.86:1) above the 2:1 bonus FSR on the corner site and a 2m increase (to 27m) to the 25m bonus height. Redevelopment of the mid-block site would require a doubling of the bonus FSR provision (to 3.4:1) but potentially no further increase in height. Due to the substantial increase in height and FSR required, it is likely that both options would result in some unreasonable impacts in relation to overshadowing of adjacent properties and streetscape amenity.
- The achievement of a 1,500sqm park would require a 55% increase (to 3.09:1) above the 2:1 bonus FSR on the corner site and no further height increase. Redevelopment of the mid-block site would require a 58% increase in FSR and no further height increase. The delivery of a smaller park of 1,500sqm as part of the redevelopment of the corner/mid-block sites tested would result in a more feasible development outcome from both an urban design and development viability perspective.
- The site modelling indicates that while a relatively substantial increase in FSR would be required to incentivise the provision of a 1,500sqm public park, the increased height may still be within the 25 metre bonus that applies to eligible developments. In addition, the height required to facilitate the additional FSR on the mid-block site would still be consistent with the 18m height limit that generally applies to the North Auburn Precinct. Therefore impacts in relation to overshadowing, streetscape and the amenity of neighbouring dwellings are likely able to be managed through building design.
- Only one of the identified sites within the Precinct has an area of at least 2,500sqm, being Site B at 2,790sqm. While Site B may certainly be suitable for open space, delivering the new public park on this site in conjunction with an RFB on another, ultimately smaller, site within the Precinct would likely result in (a) lower viability, or (b) compromise the ability to achieve appropriate built form outcomes on the site as per the ADCP 2010 and Apartment Design Guide.

Based on the site testing outcomes, the impact of the increased FSR associated with the smaller 1,500sqm park resulted in a more appropriate and sympathetic built form outcome on the site. However, the scale of development required to make delivery of a larger 2,500sqm park feasible would likely have adverse impacts on both residential and streetscape amenity.

An additional consideration in relation to delivery of a new public park would be to ensure such a park is easily accessible to the public and fit for purpose.

In addition, there are limited sites within the Precinct that that can be readily amalgamated to provide a park of at least 2,500sqm. Opportunities for delivering a smaller park should therefore be considered. There are various examples across metropolitan Sydney and elsewhere of successful local parks of around 1,500sqm (e.g. Flora and Knight Reserve in Erskineville and the recently delivered Gray Street Reserve in Annandale, as shown in Figure 14 and Figure 15), which provide good amenity and community building potential for the local neighbourhood. If these parks are also equipped with quality play equipment, shelter and lighting, their attractiveness and useability is enhanced.

Figure 14 Flora and Knight Reserve, Erskineville



(Source: [www.fumasslandscaping.com.au](http://www.fumasslandscaping.com.au))

Figure 15 Gray Street Reserve, Annandale



(Source: [googlemaps.com.au](http://googlemaps.com.au))



## 7.0 Recommendations

A number of recommendations are provided below, for Council's consideration which relate to both LEP and DCP provisions and funding of local amenities through developer contributions.

As noted already in this report, an additional increase to the 2:1 bonus FSR countenanced by the Planning Proposal would likely be required to incentivise the delivery of a new public park within the North Auburn Precinct. With any augmentation of controls, future development must continue to be acceptable in terms of environmental impacts and amenity impacts on adjoining properties, the streetscape and surrounding area. In addition the drawing up of detailed floorplans will have an impact on development yield and therefore feasibility, but is a level of detail not included in the scope of this study.

Proposed amendments are also offered in relation to the site specific development controls for the North Auburn Precinct (PP – 4/2012) for development that also includes delivery of a new public park.

### 7.1 Location and quantum of open space

- a) In terms of size, smaller sites around 1,500 – 2,000sqm should be considered for delivery of a new park.
- b) In considering suitable locations for open space, the most feasible and more immediate opportunity may not be adjoining a potential redevelopment site. In this regard, should alternative locations be sought, the siting of open space in the south of the Precinct and adjoining Simpson Street should be prioritised for solar access benefits.

### 7.2 Floor Space Ratio

- a) On the basis of the site testing outcomes, Site B would present an appropriate redevelopment opportunity in conjunction with the delivery of a new public park elsewhere in the Precinct or LGA, provided that the site to deliver the park is not currently occupied by multiple dwellings (i.e. RFBs). Should redevelopment of a mid-block site be delivered in conjunction with a new park, a park of around 1,500sqm would be preferred and an FSR of at least 2.68:1 would be required to support this outcome.
- b) Should redevelopment a corner site be delivered in conjunction with a new park, a park of around 1,500sqm would be preferred and an FSR of at least 3.09:1 would be required to support this outcome.
- c) Provided that future development complies with the relevant controls and requirements under ADCP 2010 and the NSW Apartment Design Guide, any increase in FSR that allows the full achievement of the 25m height limit should be entertained.

### 7.3 Building height

- a) Retain the 25 metre height control on mid-block sites to minimise the potential for overshadowing and streetscape impacts,
- b) Where the overshadowing and streetscape impacts of the development are assessed to be acceptable, allow for an additional 2 storey height bonus on corner sites.

### 7.4 Site coverage

- a) Relax the 50% site coverage limitation under ADCP 2010 and instead defer to the less stringent requirements for deep soil zones (7% of site area) and communal open space (25% of site area) under the NSW Apartment Design Guide. Considering changes to the 50% site coverage requirement would allow a greater building footprint and may therefore reduce the overall height.

## 7.5 Additional provisions

Should Council wish to retain a high level of flexibility, an amendment to the LEP could state that: *"Council may consider an additional increase in height and FSR for new residential development proposals within the North Auburn Precinct should this be submitted in conjunction with provision of a park, no less than 1,500sqm in area, within the Precinct, fitted out for that purpose prior to transfer to Council."*

## 7.6 Other options

In addition, it is considered that the objectives and controls under ADCP 2010 (Residential Flat Buildings) and the standards within the NSW Apartment Design Guide provide sufficient parameters and guidance to deliver a high quality design outcome on the site while achieving a higher FSR, provided that the additional FSR is generally within the limits outlined above.

A further recommendation to assist council in achieving the desired outcome of a park in the North Auburn Precinct, relates to employing either a Voluntary Planning Agreement (VPA) or applying a Section 94 contribution.

Normally a Section 94 contribution would apply to development approvals to contribute to local amenities needed as a result of that development. However, in the case of North Auburn, no site for a park has been identified on any schedule of works in a S94 Plan and the proposition is that a park is sought as part of a single development rather than contributed to by all developments in the neighbourhood. Therefore it is recommended that Council could review its Section 94 Contributions Plan and include a contribution that could be applied across a wider area than this Precinct to acquire and equip a local park for the benefit of the wider neighbourhood. Council could then acquire a suitable site, perhaps in the south of the Precinct as suggested above, and systematically recoup contributions to pay for that purchase and fit out from all developments in the area..

Alternatively, Council could enter into a VPA with a developer of a single site in the Precinct stipulating the provision of a park in conjunction with approval of a larger development than would be allowed under the controls. The scale of this development could then be negotiated with Council to its satisfaction and the VPA tailored to the requirements of Council and executed to ensure delivery of the park before sale or occupation of the new residential units on the development site.

AECOM

North Auburn Site Specific Controls

## Appendix A

# Site testing assumptions



## Appendix A Site testing assumptions

Construction cost is estimated based on the following assumptions:

- **Residential construction cost** is based on a **A\$2,710** per square metre GFA for a medium quality high rise residential development (Site 2) and **A\$2,010** for a low rise development RFB (Site 4) (Davis Langdon, 2013). The following are to be noted:
  - The cost per sqm is based on global estimates for Sydney, which does not account for variations across different parts of Sydney.
  - Construction cost / sqm is assumed to include basement car parking.
  - Construction costs assume a medium level of finish, however it is acknowledged that this will differ depending on the applicant.
  - Construction cost estimates are subject to change.
- **Purchase price** is based on a per sqm value (~\$2,000/sqm) which has been estimated using property values derived from property valuation reports generated in RPData. Single property searches were conducted in RPData, focussing on those sites identified for potential amalgamations which currently mostly contain single dwellings. Property valuations take into account comparable sales data in the proximate area and therefore represent approximate sales prices only.
- Stamp duty has been excluded from the total development cost.
- A soft cost of 15% of the total construction cost has been applied, which accounts for (but is not limited to) consultants' fees, approvals and developer fees.
- **Potential sales price** per dwelling is based on the recent (August 2014 – August 2015) median price for units within a 0.5km radius of the North Auburn Precinct, sourced from RPData. It is noted that the median sales price does not take into account the age of building stock nor unit size, rather it can be considered that potential sales price is based on the price that homebuyers have been willing to pay, more recently, for a unit in Auburn.
- **Development viability** has been calculated for each scenario by applying a standard development margin of minimum 20% profit. A developer profit figure of less than 20% is therefore considered to be unviable in this testing.
- In terms of dwelling yield, an 80% take up of total development potential is also applied, which takes into account:
  - Potential difficulties in amalgamating lots by the earmarked development period.
  - The potential that the market is unable to accommodate enough buyers for available properties.
- **GFA** is assumed at 80% of the building envelope (i.e. FSR x site area). GFA has been calculated assuming an average dwelling size of 100 sqm.
- Development value is based on a 100% take-up rate, assuming all dwellings will eventually be purchased.

## Appendix 7: Revised Gateway Determination (April 2016)



Planning &  
Environment

Mr Mark Brisby  
General Manager  
Auburn City Council  
P O Box 118  
Auburn NSW 1835

16/04731

Dear Mr Brisby

**Auburn LEP 2010 Amendment No. 20 – North Auburn  
Gateway determination extension of time**

I refer to Council's request for an extension of time in relation to a planning proposal (PP\_2015\_AUBUR\_001\_00) to amend Auburn Local Environmental Plan 2010. As delegate of the Greater Sydney Commission, I have, under section 56(7) of the *Environmental Planning and Assessment Act 1979*, altered the Gateway determination by extending the timeframe under section 56(2)(f) of the Act for completion of the planning proposal until 27 September 2016.

Yours sincerely

A handwritten signature in black ink, appearing to read "Catherine Van Laeren".

11/04/16

**Catherine Van Laeren  
Director Sydney Region West  
Planning Services**

Encl. Alteration to Gateway Determination



## **Alteration to Gateway Determination**

***Planning proposal (Department Ref: PP\_2015\_AUBUR\_001\_00): North Auburn - Amendment No. 20.***

I, Director, Sydney Region West, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to alter the Gateway Determination dated 20 March 2015 for the proposed amendment to the Auburn Local Environmental Plan 2010, as follows:

**1. Delete:**

"condition 6"  
and replace with:

a new condition 6:  
"The timeframe for completing the planning proposal is by 27 September 2016."

Dated 11<sup>th</sup> day of April 2016.

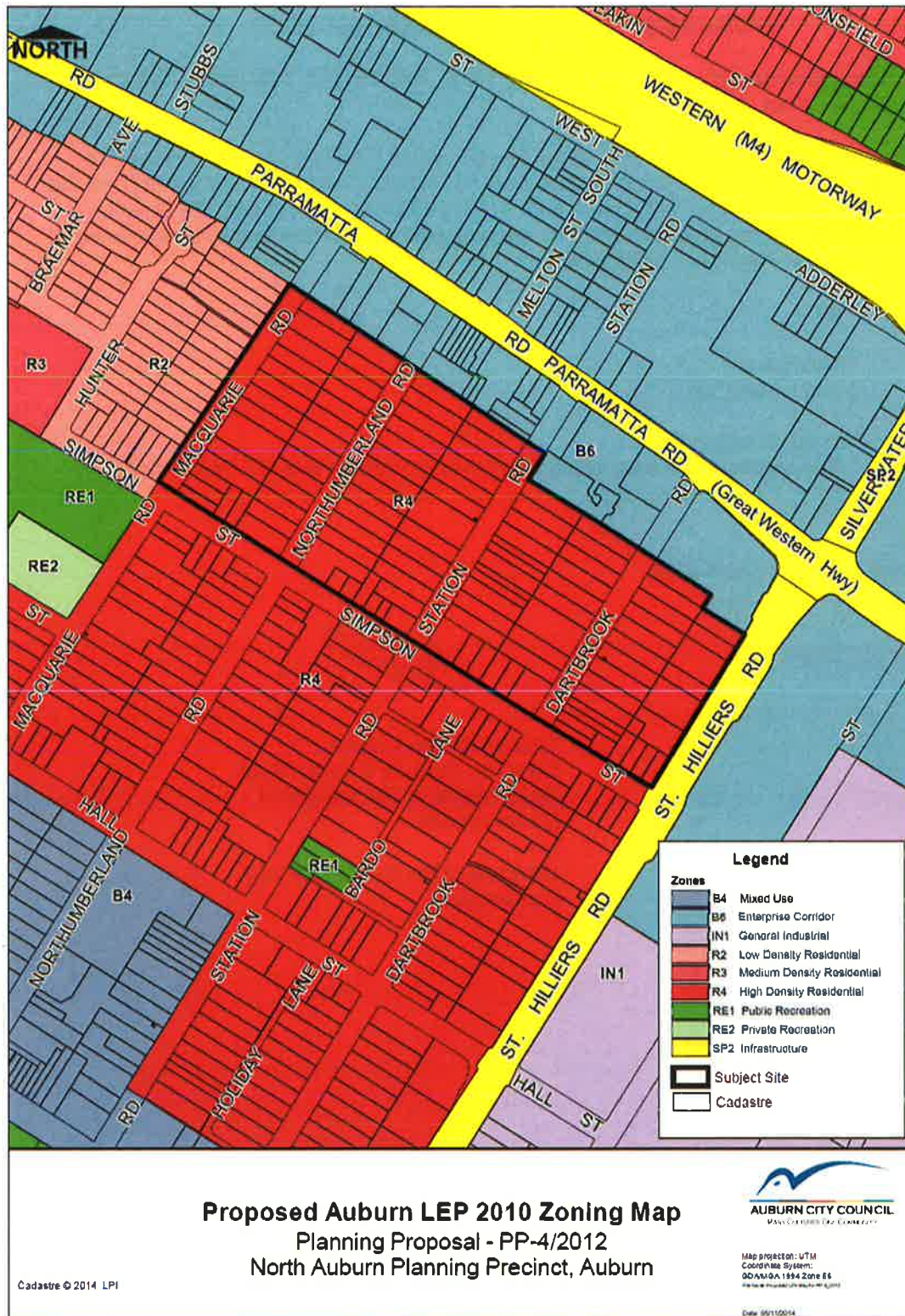
A handwritten signature in black ink, appearing to read 'Catherine Van Laeren'.

**Catherine Van Laeren  
Director, Sydney Region West  
Department of Planning and  
Environment**

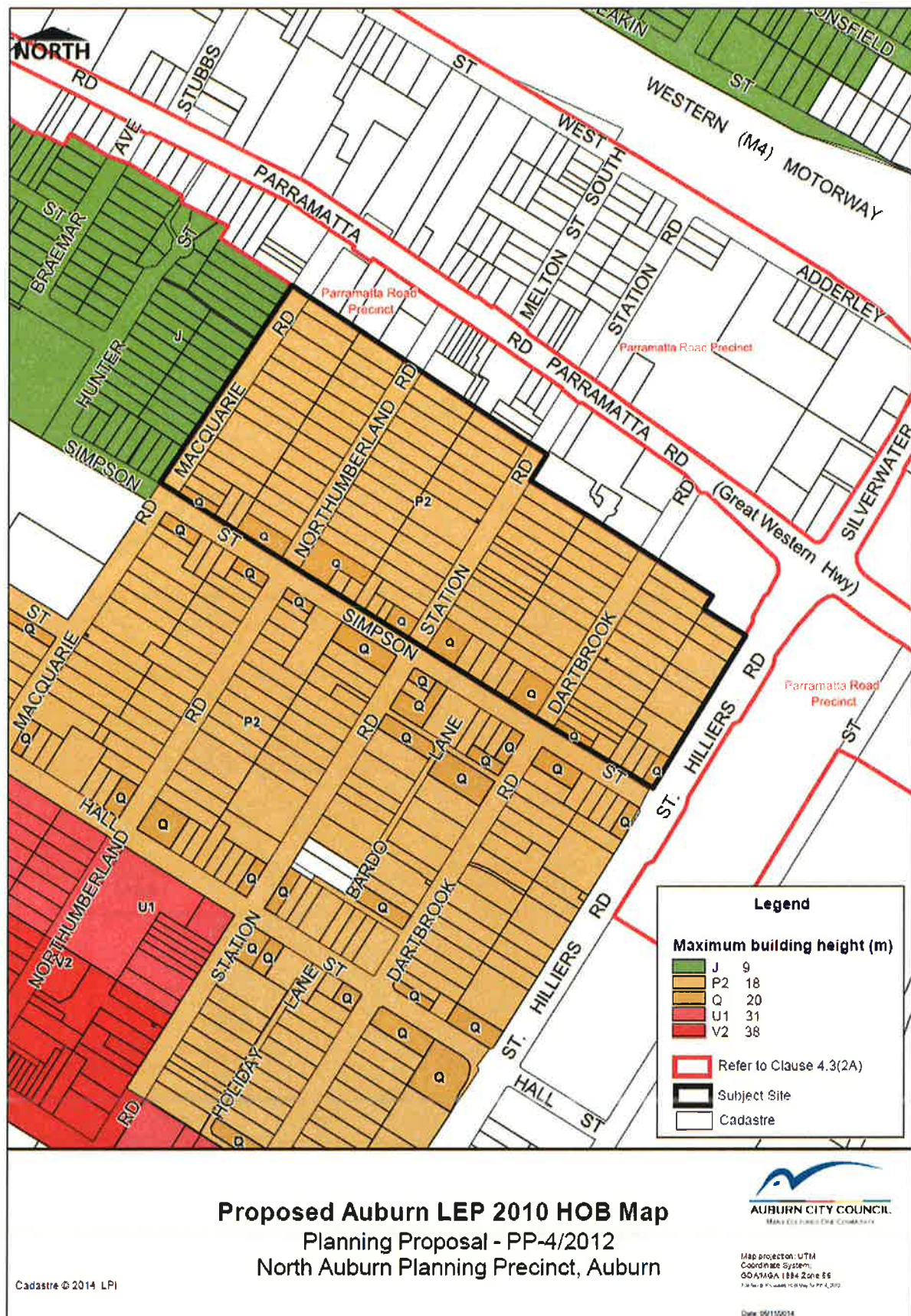
Delegate of the Greater Sydney  
Commission



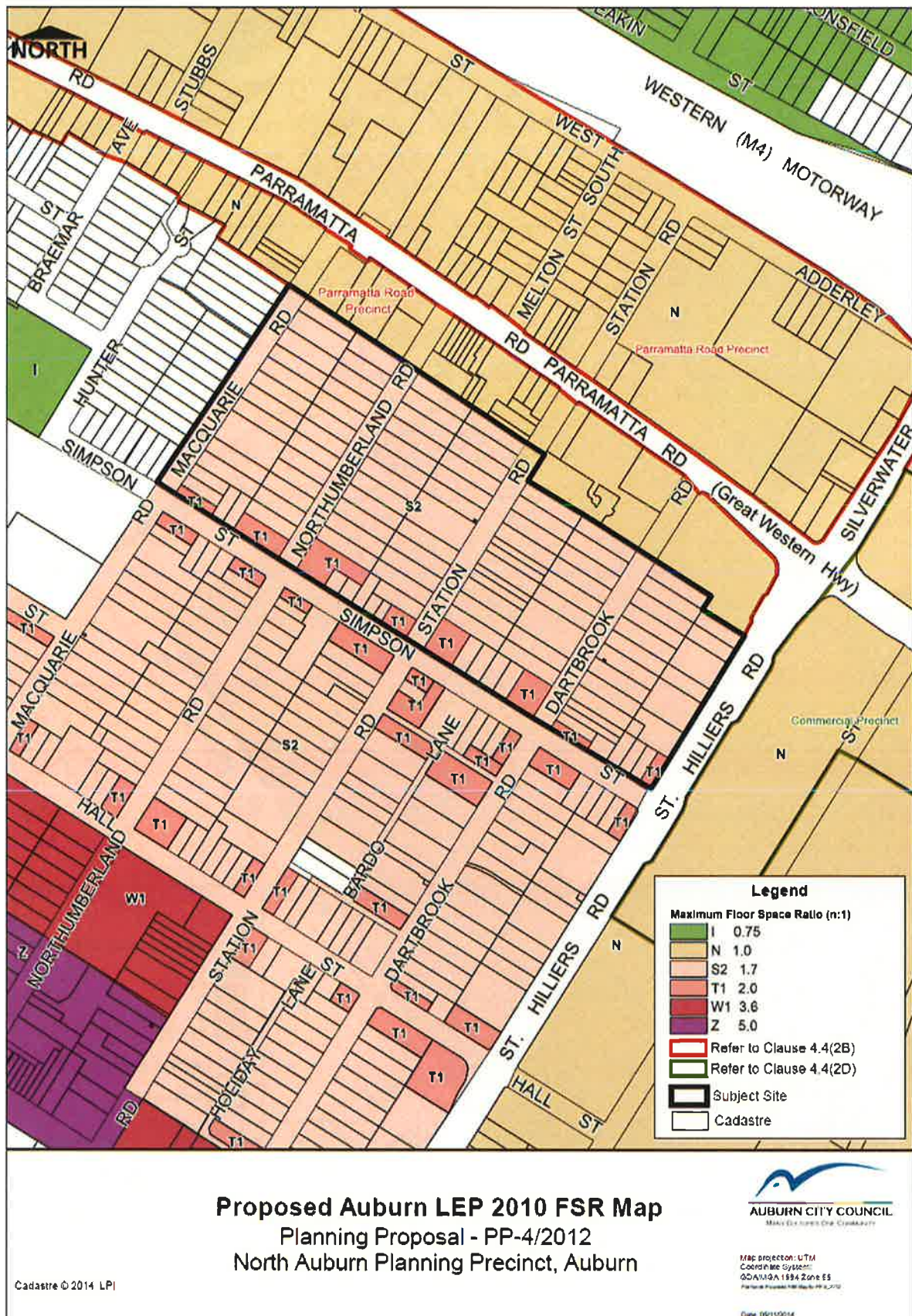
# Appendix 8: Proposed Auburn LEP 2010 maps











# Appendix 9: Minutes and Report of CM 31 October 2012 (Item 208/12)

AUBURN CITY COUNCIL  
MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD OCTOBER 31, 2012

**206/12**      **Re-submitted Item - NSW Government - Exhibition of Green Paper - A  
New Planning System for NSW**

T-14-08/03      AK : MW

**RESOLVED unanimously on the motion of Cllr Simms, seconded Cllr Batik that the report be received and the information therein be noted.**

For:              Councillors Attie, Batik, Campbell, Lam, Mehajer, Oldfield, Oueik, Simms, Yang and Zraika.

Against:        Nil.

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

**207/12**      **Submission - NSW Long Term Transport Master Plan**

T-14-24      AK : EG

**RESOLVED unanimously on the motion of Cllr Oueik seconded Cllr Simms:**

- 1. That Council receive and note the information contained in the report and Attachment 1 on the draft NSW Long Term Transport Master Plan**
- 2. That Council forward a submission to Transport for NSW.**

**208/12**      **Planning Proposal for North Auburn**

PP-4/2012      AK : EG

Moved Cllr Oueik, seconded Cllr Mehajer that Council prepare and submit a planning proposal to rezone the block bound by St Hillers Road, Simpson Street, Macquarie Road and Parramatta Road, Auburn (excluding land zoned B6 Enterprise Corridor) between St Hillers Road and Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:

- (a) Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone;
- (b) Amend the Height of Buildings Map to apply the 16m Maximum Building Height notation;
- (c) Amend the Floor Space Ratio Map to apply the 1.4:1 Floor Space Ratio notation.

## Amendment

An amendment was moved Cllr Lam, seconded Cllr Simms that further consideration of the matter be deferred to enable a Councillor workshop on the Planning Proposal.

**The amendment was put to the vote and declared carried and became the motion.**

For:              Councillors Batik, Campbell, Lam, Oldfield, Simms and Zraika.

Against:        Councillors Attie, Mehajer, Oueik and Yang.

**The motion was put to the vote and declared carried.**

THIS IS PAGE NO. 24 OF THE ORDINARY MEETING OF COUNCIL HELD OCTOBER 31, 2012. . . . . MAYOR

AUBURN CITY COUNCIL  
MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD OCTOBER 31, 2012

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**RESOLVED on the motion of Cllr Lam, seconded Cllr Simms that further consideration of the matter deferred to enable a Councillor workshop on the Planning Proposal.**

For: Councillors Batik, Campbell, Lam, Oldfield, Simms and Zraika.

Against: Councillors Attie, Mehajer, Oueik and Yang.

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

**209/12 Adoption of Sustainable Procurement Policy 2012**  
S-60-05/02 EG: MW

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**RESOLVED unanimously on the motion of Cllr Oueik seconded Cllr Simms that Council adopt the Sustainable Procurement Policy.**

**210/12 Adoption of Sustainable Fleet Policy 2012**  
S-60-05/02 MB: EG

---

Moved Cllr Campbell, seconded Cllr Zraika

1. That Council adopt the Sustainable Fleet Policy subject to the following amendments:-

- 4.1 – delete the words "and may incur".
- Add additional 4.1(d) – all new contracts and industrial agreements will be consistent with the Sustainable Fleet Policy.

2. That the matter be referred to a future Councillor workshop.

Amendment

An amendment was moved Cllr Lam, seconded Cllr Mehajer that Council adopt the Sustainable Fleet Policy and the matter be referred to a future Councillor workshop.

**The amendment was put to the vote and declared carried and became the motion.**

For: Councillors Attie, Batik, Lam, Mehajer, Oldfield, Simms, Yang and Zraika.

Against: Councillor Campbell.

**The motion was put to the vote and declared carried.**

**RESOLVED unanimously on the motion of Cllr Lam, seconded Cllr Mehajer that Council adopt the Sustainable Fleet Policy and the matter be referred to a future Councillor workshop.**

For: Councillors Attie, Batik, Campbell, Lam, Mehajer, Oldfield, Simms, Yang and Zraika.

Against: Nil.



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**AUBURN CITY COUNCIL**

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**208/12 Planning Proposal for North Auburn**

PP-4/2012 AK, EG

**SUMMARY**

Auburn City Council, at its meeting of October 20, 2010 (Item 257/10) resolved to prepare a planning proposal to rezone land from R3 Medium Density Residential zone to R4 High Density Residential zone for the block bound by St Hilliers Road, Simpson Street Dartbrook Road and Parramatta Road, Auburn (excluding the land zoned B6 Enterprise Corridor Zone).

This report responds to the above resolution and recommends that the land subject to the rezoning be extended. The planning rationale for this recommendation is detailed in this report.

**RECOMMENDATION**

*That Council resolves to prepare and submit a planning proposal to rezone the block bound by St Hilliers Road, Simpson Street, Macquarie Road and Parramatta Road, Auburn (excluding land zoned B6 Enterprise Corridor) between St Hilliers Road and Macquarie Road, Auburn to the Department of Planning and Infrastructure pursuant to section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:*

- (a) Rezone the land from R3 Medium Density Residential zone to R4 High Density Residential zone;*
- (b) Amend the Height of Buildings Map to apply the 16m Maximum Building Height notation;*
- (c) Amend the Floor Space Ratio Map to apply the 1.4:1 Floor Space Ratio notation.*

**REPORT****1.0 PREVIOUS COUNCIL RESOLUTIONS ON THE LAND**

Council at its extraordinary meeting of 12 May 2010 (Item 116B/10) resolved to:

*"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".*

The land to which the above resolution applies is shown red in Figure 1 overleaf.

Following above, Council prepared a planning analysis for the land shown red and reported the outcome of the analysis to Council meetings of 28 September 2010 and 20 October 2010. Council at its meeting of 20 October 2010 (Item 257/10), resolved to:

1. "....."

- f) Prepare a planning proposal to amend ALEP 2010 in accordance with the Environmental Planning and Assessment Act 1979 Section 54 and*



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**Planning Proposal for North Auburn (cont'd)**

*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 DCP 2010".*

The land shown red and purple in Figure 1 below, is the land to which the above Council resolution of 20 October 2010 relates. This is referred to as the 'original study area' throughout this report.



**Figure 1 - The 'original study area'**  
(Extract of Council QIS Exponere, June 2012)

## 2.0 RECOMMENDATION TO EXTEND THE ORIGINAL STUDY AREA

In response to Council's resolution of 20 October 2010 (Item 257/10) to prepare a planning proposal to rezone land (outlined red and purple in Figure 1 above), Council's Strategy Unit undertook preliminary planning analysis of the original study area and surrounds. This planning analysis found that the land west of the original study area (the residential blocks between the original study area and Macquarie Road, Auburn) shown yellow in Figure 2 overleaf, was very similar to the original study area. Specific observations included:

- Similar existing land use and land ownership patterns;
- Similar built form development (i.e. predominantly 3 storeyed residential flat building development); and

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**Planning Proposal for North Auburn (cont'd)**

- Similar distances from Auburn Railway Station and Auburn Town Centre (slightly closer than the 'original study area').



**Figure 2 - The 'original study area' and the extended area**  
(Extract of Council GIS Exponare, June 2012)

Given the similarities, it is therefore recommended that the subject area for the planning proposal to rezone land from R3 Medium Density Residential zone to R4 High Density Residential zone under the *Auburn LEP 2010*, be extended to include these additional blocks between the original study area and Macquarie Road, Auburn. The planning rationale for this recommendation is provided in the following sections.

## **2.1 Planning rationale for extension of land to be rezoned R4 High Density Residential zone**

It is argued that the original study area should be extended to include residential land zoned R3 Medium Density Residential zone up to Macquarie Road, Auburn shown yellow in Figure 2 above. The rationale for this is as follows:

1. Doing so will allow all of the land in this area which is zoned R3 Medium Density Residential zone to be considered strategically and comprehensively in relation to its existing and surrounding land uses, land ownership, subdivision patterns, built form and character;

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Planning Proposal for North Auburn (cont'd)

2. Including all of the extended area in the planning proposal will better reflect the predominant existing land uses (high density residential) of the site. Approximately 70% of the subject block contains 2 to 4 storey walk up style residential flat buildings and multi dwelling housing developments established since early 1960s, having existing use rights;
3. The subject block's existing *Auburn LEP 2010* R3 Medium Density Residential zoning and principal development standards (height of buildings and FSR) do not currently permit RFB development. The extension of the planning proposal to these areas will remove the restriction from those sites;
4. Inclusion of all of this land in the planning proposal is consistent with state and local planning directions. In particular, it is consistent with the *Metropolitan Plan for Sydney 2036's* – "Action B1.3 - Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes" (Department of Planning and Infrastructure 2010, p.65). It is also consistent with the *West Central Subregion Draft Subregional Strategy's* - "Action C2.1 Focus residential development around Centres, Town Centres, Villages and Neighbourhood Centres" (Department of Planning 2007, p.88);
5. The subject block is located within the north eastern fringe of the Auburn Town Centre's 800 metre radius, and is located approximately 630 metres (10-15 minutes walking distance) from the Auburn Railway Station, 100 - 300 metres from Parramatta Road, and is currently well serviced by public bus transport services (Veolia and Metro Bus) relative to other areas of Auburn;
6. The proposed extension of the area that the Planning Proposal applies to will not significantly change or impact upon the existing character, built form or density of the subject block. This is because approximately 70% of the block is already developed with existing RFB and multi dwelling housing development. The remaining 30% is currently developed with existing detached dwellings and dual occupancy development;
7. Rezoning of the area will increase the compatibility with the adjoining land zones to the south and north which is currently zoned R4 High Density Residential and B6 Enterprise Corridor zone under the Auburn LEP 2010; and
8. It will also create consistency of existing built form, density and character along the western side of St Hilliers Road, Auburn.

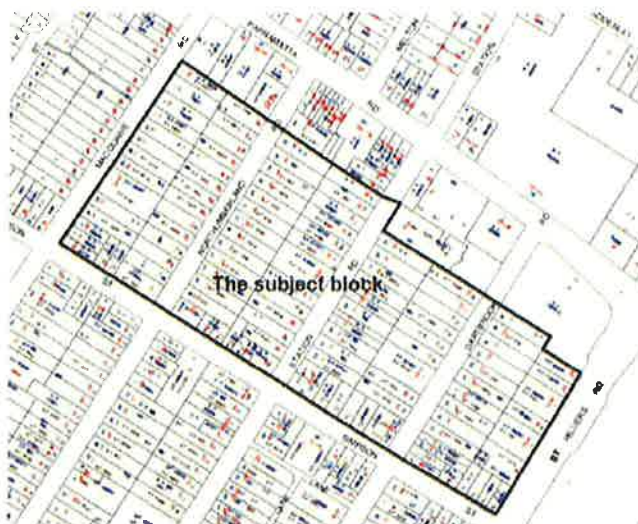
**2.3 Additional description of the land**

It is recommended that the planning proposal apply to the extended block bound by St Hilliers Road, Simpson Street, Macquarie Road and Parramatta Road, Auburn (excluding the B6 Enterprise Corridor zone), referred to as the 'subject block' for the remainder of this report and is outlined black in Figure 3 overleaf:

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**Figure 3 - The subject block**  
(Extract of Council GIS Exponare, June 2012)

The subject block comprises a total of 133 properties and extends over a land area of 9.5 Ha (95,000m<sup>2</sup>) in North Auburn. The block property addresses subject to this analysis are as follows:

- 82 to 100 St Hillers Road;
- 3 to 33 Simpson Street;
- 67 - 69 to 93 and 70 to 96 Station Road;
- 85 to 111 and 64 to 82 Dartbrook Road;
- 75 to 73 - 99 and 72 to 98 Northumberland Road; and
- 55A, 57, 59, 61, 63, 65-67, 69, 71, 73, 75, 77, 79, 81 and 83 Macquarie Road, Auburn.

Details relating to legal descriptions of properties, land ownership, etc is provided in **Attachment 1** of this report.

### 3.0 SURROUNDING LAND ZONES AND USES

The predominant land uses surrounding the subject block is residential, commercial and industrial. Figure 4 overleaf provides an aerial view of the existing land uses and their zonings surrounding the subject block.



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Planning Proposal for North Auburn (cont'd)



**Figure 4 – Aerial view of the subject block and its surroundings**  
(Extract of Council GIS Exponare, Feb 2012)

Land located south of the subject block (outlined yellow in Figure 4 above), is currently zoned R4 High Density Residential under the *Auburn Local Environmental Plan 2010 (Auburn LEP 2010)*, and is identical in use, built form and character reflecting medium to high density residential land uses. This area is characterised by early 1960s style 2 to 4 storey walk up style residential flat building developments and old styled and recently built 2 storey multi dwelling housing developments.

Land adjoining the west of the subject block, is currently zoned R2 Low Density Residential under the *Auburn LEP 2010* and is characterised by a mix of old and new 1 to 2 storey detached dwellings and dual occupancies. The western interface on Macquarie Road represents the boundary between the subject block and the existing low and high density residential zoned areas; a built form context which has been established for several decades since 1960s (Refer Attachment 2 – Block and context photos of this report).

The land located east of the subject block from St Hilliers Road, is currently zoned B6 Enterprise Corridor and IN1 General Industrial zones under the *Auburn LEP 2010*. This land currently occupy a series of 2 to 2.5 storey large floor plate partly commercial and industrial development and are currently used for a range of commercial and general industrial uses. Due to the substantial width of St Hilliers Road, the existing built form, density, overshadowing impacts of the existing high and medium density built forms on either side are considered as minimal.

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#### Planning Proposal for North Auburn (cont'd)

Land adjoining immediately to the north of the subject block is currently zoned B6 Enterprise Corridor zone under *Auburn LEP 2010*. These lands currently occupy a series of 1 to 4 storey employment land uses partly commercial such as business, office, and light industrial uses facing Parramatta Road, Auburn (Refer Attachment 2 - Context photos of this report).

### **3.2 AUBURN LEP 2010 ZONING AND OTHER PROVISIONS**

#### **3.2.1 Zoning**

The subject block is currently zoned R3 Medium Density Residential under the *Auburn LEP 2010* as per Figure 5 below.



**Figure 5 – Auburn LEP 2010 land zoning for the subject block**  
(Extract of Council GIS Exponare, August 2012)

The *Auburn LEP 2010* currently prohibits residential flat buildings within this zone and permits attached dwellings, boarding houses, dual occupancies, detached dwellings, group homes and multi dwelling housing developments.

#### **3.2.2 Other provisions**

The subject block is affected by the principal development standards below:

<b>Auburn LEP 2010 Provision</b>	<b>Auburn LEP 2010 Development Standards</b>
<b>Floor Space Ratio (FSR)</b>	0.75:1
<b>Height of Buildings (HoB)</b>	9 metres

(Source: Auburn LEP 2010, August 2012)

### **3.3 HISTORIC PLANNING CONTROLS**

#### **3.3.1 Auburn Local Environmental Plan 2000 (Auburn LEP 2000)**

The subject block outlined yellow in Figure 6 overleaf, was previously zoned as 2(b) Residential (Medium Density) under the former repealed *Auburn Local Environmental Plan*

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#### Planning Proposal for North Auburn (cont'd)

2000 (*Auburn LEP 2000*). The former land zoning prohibited Residential Flat Buildings as a permissible use.



Figure 6- Auburn LEP 2000 zoning for the subject block  
(Extract of Council GIS Exponare, June 2012)

#### 3.3.2 Auburn Planning Scheme Ordinance 1970 (APSO 1970)

Under the repealed *Auburn Planning Scheme Ordinance 1970* the planning instrument which existed prior to the *Auburn LEP 2000*, the subject block was zoned 2 'c' Residential and Residential Flat Buildings were permissible as a land use with development consent.

Given the evidence of existing residential flat buildings currently occupying the subject block (as per Attachment 1), and above land zoning evidence it is clear that the subject block's Residential Flat Building developments were originally built around in the early 1960 -1970s.

#### 4.0 CONCLUSION

It is recommended that a Planning Proposal be prepared to rezone the entire subject block bound by St Hilliers Road, Simpson Street, Macquarie Road and Parramatta Road, Auburn (excluding the B6 Enterprise Corridor zone) from R3 Medium Density Residential zone to R4 High Density Residential zone in a future amendment to the *Auburn LEP 2010*.

This will enable Council to:

- Apply an appropriate zoning which is consistent with its predominant existing land uses that have existed since the early 1960s;
- apply a land zoning that is consistent with its surroundings, character, built form and density;
- apply a land zoning that is consistent with local and state planning strategies;
- prevent the occurrence of a series of different small planning proposals lodged for the same subject block to rezone the land from R3 Medium Density Residential to R4 High Density Residential zone under the *Auburn LEP 2010* in an ad-hoc and piecemeal way.

#### 5.0 LINK TO COUNCIL'S ANNUAL OPERATIONAL PLAN

This report relates to Action "2a2.3 Prepare and Assess Planning Proposals" in 2012/2013 Annual Operational Plan.

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Planning Proposal for North Auburn (cont'd)

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**ATTACHMENTS (to be circulated to Councillors under separate cover)**

1. Legal descriptions, land ownership and existing land uses – T071555/2012
2. Context and block photos - T071581/2012



## Appendix 10: Summary including the history of the proposal (PP-4/2012)

Date	Description
20 October 2010	The former Auburn City Council resolved to prepare a Planning Proposal to rezone a strip of land fronting St Hillers Road in North Auburn from R3 Medium Density Residential to R4 High Density Residential zone [Item 257/10].
31 October 2012	<p>Report to Council recommending that a wider area of land zoned in the North Auburn area be rezoned from R3 Medium Density Residential to R4 High Density Residential [Item 208/12].</p> <p>The rationale for this recommendation was that the wider area was characterised by similar 2-3 storey residential flat buildings and was effectively developed to Council's current R4 High Density Residential controls. Further, a strategic approach to rezoning in the North Auburn area could minimise planning proposal applications for spot rezoning. Council deferred the matter to investigate future open space options for the site.</p>
February 2013	The North Auburn precinct is discussed at a Councillor workshop. Discussion focused around a desire by some Councillors to provide more open space within the precinct if density was to increase, and the constraint imposed by the high level of strata subdivision of existing development within this precinct, and the prohibitive cost of acquiring land for open space as a result. Councillors requested Council staff to investigate potential options for the acquisition of open space within the North Auburn Area and report the findings back to Council.
November 2013	A report on the open space investigations undertaken by staff (investigation of 5 possible options) was considered at Council's Planning Committee meeting [Item Pla014/13]. Council resolves to defer the matter for discussion at a workshop in early 2014.
February 2014	Presentation to February Councillor workshop on status of investigations: 5 previously explored options presented, plus extend of strata subdivision, and an update of proposed works for Bardo and Auburn Parks is provided.
September 2014	Councillor briefing on history of this PP, including sites previously investigated for possible acquisition for open space (5 options reported to Council in November 2013), plus 3 further possibilities for future open space.
15 October 2014	Report to Council [Item 325/14] reiterating the widespread strata subdivision across this precinct as a significant constraint to the acquisition of land for public open space. Given this constraint and lack of viable options, the report recommended Council focus its resources on the upgrade of Bardo and Auburn parks. Council resolved to prepare a Planning Proposal to rezone the precinct and amend the principal development controls accordingly. The resolution included bonus FSR and height provisions which apply to the precinct and which aim to encourage the provision of a 2500m <sup>2</sup> park in this area (Attachment 3, part 3 of Council's resolution).

<b>29 January 2015</b>	Planning Proposal prepared in accordance with the Council resolution [Item 325/14], and submitted to Department of Planning and Environment (DP&E), seeking a Gateway Determination.
<b>20 March 2015</b>	A section 56(2) Gateway Determination was issued (discussed in Section 3 of this report).
<b>8 July 2015 - 25 August 2015</b>	A justification statement for traffic and transport was prepared and finalised by former Hyder consulting in accordance with the requirements of the Gateway Determination (Condition 1 (a)).
<b>16 July 2015 - 29 October 2016</b>	A consultant report (by AECOM Australia Pty Ltd) which tested the feasibility of the development bonus in the context of the park size required by Council's resolution was prepared and finalised in accordance with the requirements of the Gateway Determination (Condition 2).
<b>02 Dec 2015</b>	Council resolved to approve an amendment to the Operational Plan 2015/16 to incorporate the upgrade of Auburn and Bardo Parks (see Item 295/15). The cost of the upgrades is estimated to be \$4,300,000. Council resolved to allocate funding to upgrade Auburn and Bardo parks.
<b>10 February 2016</b>	Councillors from the former Auburn City Council suspended and an Interim Administrator appointed.
<b>02 March 2016</b>	At the extraordinary meeting of Council [Item 036/16] in March 2016, the Interim Administrator resolved to refer the North Auburn planning proposal report to the Auburn Independent Assessment Panel (AIAP).
<b>16 April 2016</b>	Council receives a revised Gateway Determination for the proposal extending the timeline until 27 September 2016 to complete the proposal.
<b>12 May 2016</b>	The proclamation of the new 'Cumberland Council' is notified.
<b>19 May 2016</b>	At the first meeting of Cumberland Council, the Interim Administrator resolves to appoint the Cumberland Independent Hearing and Assessment Panel (CIHAP).
<b>16 June 2016</b>	The North Auburn PP is reported to the Cumberland Independent Hearing and Assessment Panel (CIHAP) for a recommendation.
<b>6 July 2016</b>	The North Auburn PP is reported to a Council meeting.
<b>Late July- Aug 2016</b>	Council prepares a revised planning proposal for submission to the Department for a revised Gateway.

## Appendix 11: Site Details

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
<b>St Hilliers Road</b>				
1	100 St Hilliers Road	Lot 11 DP 655964	Contains a single storey weather board dwelling	726.7
2	98 St Hilliers Road	Lot 1 DP 1135754	Contains a single storey weather board and brick dwelling	722
3	94-96 St Hilliers Road	Lot 1 DP 558392 (SP 6707)	Contains a 4 storey light brown brick residential flat building with ground floor car parking (15 Units)	1440
4	92 St Hilliers Road	Lot 15 DP 668904	Contains a 2 storey dark red brick residential flat building with car parking on site (8 Units)	739
5	86-90 St Hilliers Road	Lot 4 DP 564083 (SP 7681)	Contains a 2 storey dark red brick residential flat building with car parking on site (14 Units)	1558
6	82 St Hilliers Road	Lot 1 DP 596933 (SP 10773)	Contains a 3 storey light and dark brown brick residential flat building with ground floor parking (10 Units)	1221
<b>Simpson Street</b>				
7	3 Simpson Street	Lot 11 DP 804244	Contains a single storey weather board dwelling	452.5
8	5 Simpson Street	Lot 3 DP 113928	Contains a single storey weather board dwelling	430
9	7 Simpson Street	Lot 2 DP 113928	Contains a single storey weather board dwelling	430
10	9 Simpson Street	Lot 1 DP 113928, Lot 1 DP 945656	Contains a single storey weather board dwelling	630
11	9A Simpson Street	Lot 3 DP 377827	Contains a single storey weather board dwelling	430

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
12	11-13 Simpson Street	Pt Lot 21 Sec 3 DP 995, Pt Lot 20 Sec 3 DP 995  (SP 8279)	Contains a 2 storey light and dark brown brick residential flat building with car parking on site  (9 units)	1099
13	15 Simpson Street	Lot 3 DP 984226	Currently contains a single storey weather board dwelling	565
14	17 Simpson Street	Lot 2 DP 984226	Currently contains a single storey weather board dwelling	549
15	19 Simpson Street	Lot 1 DP 984226	Currently contains a single storey weather board dwelling	560
16	21 Simpson Street	Lot C DP 347833	Currently contains a single storey dark red brick dwelling	547
17	25A Simpson Street	Lot 1 DP 201033, Lot B DP 393317	Currently contains a single storey dark red brick dwelling	448
18	25 Simpson Street	Lot A DP 393317	Currently contains a single storey weatherboard dwelling	437
19	27 Simpson Street	Lot C DP 313861	Contains a single storey weatherboard dwelling	305
20	29 Simpson Street	Lot B DP 313861	Contains a single storey weatherboard dwelling	325
21	31 Simpson Street	Lot 1 DP 973301	Contains a single storey weatherboard dwelling	431
22	33 Simpson Street	Lot 1 DP 939281	Contains a single storey weatherboard dwelling	429
<b>Station Road</b>				
23	67-69 Station Road	Lots A and B DP 347833  (SP 8278)	Contains a 2.5 storey white and brown brick residential flat building development (10 units)	1077
24	71 Station Road	Lot 241 DP 872461	Contains a 3 storey light brick residential flat building	942



		(SP 55832)	development (6 units)	
No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
25	73 Station Road	Lot 25 Sec 3 DP 995	Contains a recently built light brick 2.5 storey multi dwelling housing development  (7 units)	929
26	75 Station Road	Lot 26 Sec 3 DP 995 (SP 12426)	Contains older style 2 storey dark red brick residential flat building development (8 units)	929
27	77 Station Road	Lot 2 DP 399941	Contains a single storey cement rendered brick dwelling	558
28	79 Station Road	Lot 1 DP 399941	Currently contains a single storey brick dwelling	722
29	81 Station Road	Lot 28 Sec 3 DP 995	Currently contains a single storey weather board dwelling	1440
30	83 Station Road	Lot 1 DP 502468	Currently contains a single storey weather board dwelling	515
31	85 Station Road	Lot 2 DP 502468	Contains a old style single storey weatherboard dwelling	458
32	87 Station Road	Lot 30 Sec 3 DP 995  (SP 5976)	Contains a 2 storey dark brick RFB Building development  (8 Units)	938

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
33	89 Station Road	Lot 31 Sec 3 DP 995 (SP 68854)	Contains a recently built light brick 3 storey RFB development with semi basement car parking 8 units)	914
34	91 Station Road	Lot 32 Sec 3 DP 995	Contains an older style single storey weatherboard dwelling	978
35	93 Station Road	Lot 33 Sec 3 DP 995	The site is currently vacant and does not contain any existing buildings.	987
36	96 Station Road	Lot 9 Sec 2 DP 995	Contains an older style single storey dark brick dwelling	893
37	94 Station Road	Lot 10 Sec 2 DP 995 (SP12607)	Contains a light colour cement rendered 2.5 storey RFB development with on-site car parking (8 units)	919
38	92 Station Road	Lot 11 DP 653621	Contains a dark red brick 3 storey RFB development with ground level car parking ( 7 units)	953
39	90 Station Road	Lot 12 DP 1001448 (SP 58627)	Contains a dark red brick 3 storey RFB development with ground level car parking (8 units)	940
40	88 Station Road	Lot 130 DP 880182 (SP 57868)	Contains a dark red brick 3 storey RFB development with ground level car parking (8 Units)	883
41	86 Station Road	Lot 2 DP 571573 (SP 33904)	Contains a white brick 2 storey RFB development with ground level car parking (8 Units)	893
42	82-84 Station Road	Lot 100 DP 614008 (SP 18179)	Contains a light and dark brown brick 3 storey RFB development with ground level car parking (12 Units)	1944

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
43	80 Station Road	Lot 17 Sec 2 DP 995  (SP 15675)	Contains a dark red brick 4 storey RFB development with ground level car parking (12 Units)	973
44	78 Station Road	Lot 18 Sec 2 DP 995	Contains a light orange brick 2 storey RFB development with on-site car parking (8 Units)	1014
45	76 Station Road	Lot 19 Sec 2 DP 995  (SP 40839)	Contains a dark red brick 2.5 storey RFB development with ground level car parking  (8 Units)	967
46	74 Station Road	Lot 20 Sec 2 DP 995	Contains a dark red brick 3 storey RFB development with onsite car parking  (6 Units)	931
47	72 Station Road	Pt Lot 21 Sec 2 DP 995  (SP 45441)	Contains a light brick 3 storey RFB development with ground floor car parking  (6 Units)	742
48	70 Station Road	Lot 22 DP 650972	Contains a single storey brick dwelling with on-site car parking	549
	<b>Dartbrook Road</b>			
49	85 Dartbrook Road	Lot 2 DP 377827	Contains a single storey cement rendered dwelling with onsite car parking	393
50	87 Dartbrook Road	Lot 1 DP 377827	Contains a single storey dark brick dwelling with onsite car parking	396
51	91 Dartbrook Road	Lot 23 DP 651565, Lot 1 DP 980542	Contains a light brick 2.5 storey RFB development with onsite car parking  (8 Units)	973
52	93 Dartbrook Road	Lot 24 Sec 4 DP 995 (SP 11926)	Contains a light brick 2 storey RFB development with onsite car parking  (8 Units)	902

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
53	95 Dartbrook Road	Lot 25 Sec 4 DP 995	Contains a light brick 2 storey RFB development with onsite car parking  (6 Units)	949
54	97 Dartbrook Road	Lot 26 Sec 4 DP 995  (SP 10468)	Contains a light brick 3 storey RFB development with onsite car parking  (8 Units)	925
55	99 and 99A Dartbrook Road	Lot 2 DP 565118 and Lot 1 DP 565118  (SP 17098)	Contains a light brick 2 storey RFB development with onsite car parking  (8 Units)	931
56	101 Dartbrook Road	Lot 28 Sec 4 DP 995  (SP 18939)	Contains a light and dark brick 2 storey RFB development with onsite car parking  ( 8 Units)	935
57	103 Dartbrook Road	Lot 29 Sec 4 DP 995  (SP 7634)	Contains a light and dark brick 2 storey RFB development with onsite car parking  (8 Units)	967
58	105 Dartbrook Road	Lot 30 Sec 4 DP 995	Contains a light brick 2 storey RFB development with onsite car parking  (8 Units)	924
59	107 Dartbrook Road	Lot 31 Sec 4 DP 995	Contains a dark brick 2 storey RFB development with onsite car parking  (8 Units)	938
60	109 Dartbrook Road	Lot 32 Sec 4 DP 995  (SP 6706)	Contains a dark brick 2.5 storey RFB development with onsite car parking  (8 Units)	946



No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
61	111 Dartbrook Road	Lot 33 Sec 4 DP 995	Contains a dark brick 2.5 storey RFB development with onsite car parking (6 Units)	915
62	64 Dartbrook Road	Lot 19 Sec 3 DP 995  (SP 15758)	Contains a light brick 2.5 storey RFB development with onsite car parking  (8 Units)	955
63	66 Dartbrook Road	Lot 18 Sec 3 DP 995  (SP 3533)	Contains a dark brick 3 storey RFB development with onsite car parking  (12 Units)	924
64	68-70 Dartbrook Road	Lot 1 DP 631803  (SP 46245)	Contains a light brick 3 storey RFB development with onsite car parking  (12 Units)	1824
65	72 Dartbrook Road	Lot 15 Sec 3 DP 995	Contains a light brick 2.5 storey RFB development with ground floor car parking (6 Units)	952
66	74 Dartbrook Road	Lot 14 Sec 3 DP 995	Contains a light brick 3 storey RFB development with ground floor car parking  ( 7 Units)	944
67	76 Dartbrook Road	Lot 13 Sec 3 DP 995  (SP 19333)	Contains a dark brick 3 storey RFB development with ground floor car parking  (8 Units)	967
68	78 Dartbrook Road	Lot 12 Sec 3 DP 995	Contains a dark brick 3 storey RFB development with ground floor car parking (8 Units)	929
69	80 Dartbrook Road	Lot 11 Sec 3 DP 995	Contains a dark brick 3 storey RFB development with ground floor car parking  (8 Units)	945
70	82 Dartbrook Road	Lot 10 Sec 3 DP 995  (SP 10409)	Contains a light brick 2 storey RFB development with ground floor car parking  (7 Units)	951

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
	<b>Macquarie Road</b>			
71	55A Macquarie Road	Lot 1 DP 547192	Contains a single storey brick and weatherboard dwelling with car parking	425
72	57 Macquarie Road	Lot 1 DP 165859, Lot 1 DP 938423	Contains a single storey weatherboard dwelling with car parking	483
73	59 Macquarie Road	Lot 2 DP 650849	Contains a single storey weatherboard dwelling with car parking	476
74	61 Macquarie Road	Lot 24 Sec 1 DP 995 (SP 10306)	Contains a 2 storey residential flat building development with onsite car parking (8 Units)	968
75	63 Macquarie Road	SP 83963	Contains a 2 storey residential flat building development with onsite car parking (12 Units)	951
76	65-67 Macquarie Road	Lot 1 DP 836867  (SP 47827)	Contains a 3 storey residential flat building development with onsite car parking (12 Units)	1906
77	69 Macquarie Road	Lot 28 Sec 1 DP 995 (SP 39736)	Contains a 3 storey residential flat building development with onsite car parking (7 Units)	926
78	71 Macquarie Road	Lot 29 Sec 1 DP 995 (SP 61478)	Contains a 2.5 storey residential flat building development with onsite car parking (8 Units)	941
79	73 Macquarie Road	Lot 30 Sec 1 DP 995	Contains a 3 storey residential flat building development with onsite car parking (12 Units)	906
80	75 Macquarie Road	Lot 31 Sec 1 DP 995	Contains a single storey dwelling with onsite car parking	924
81	77 Macquarie Road	Lot 1 DP 867271  (SP 55833)	Contains a recently built 3 storey multi dwelling housing development with onsite car parking (6 Units)	839

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
82	79 Macquarie Road	Lot 2 DP 305425	Contains a single storey brick dwelling	1049
83	81 Macquarie Road	Lot 1 DP 179912	Contains a single storey brick dwelling	1154
84	83 Macquarie Road	Lot 1 DP 193352 (SP 40517)	Contains a two storey residential building with on-site parking (8 Units)	824
	<b>Northumberland Road</b>			
85	72 Northumberland Road	Lot 1 DP 1076828 (SP 73321)	Contains a three storey brick residential building with ground floor parking (3 units)	1047
86	74 Northumberland Road	Lot 20 Sec 1 DP 995	Contains a single storey brick dwelling with onsite parking	742
87	76A Northumberland Road	Pt Lot 19 Sec 1 DP 995	Contains a single storey brick dwelling with onsite parking	763
88	78 Northumberland Road	Lot 18 Sec 1 DP 995	Contains a single storey brick dwelling with onsite parking	762
89	80 Northumberland Road	Lot 17 Sec 1 DP 995 (SP 20895)	Contains a dark red brick two storey residential flat building with onsite car parking (7 Units)	771
90	82 Northumberland Road	Lot 16 Sec 1 DP 995	Contains a light brown brick two storey residential flat building with onsite car parking (8 Units)	771

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
91	84 Northumberland Road	Lot 15 Sec 1 DP 995  (SP 33572)	Contains a light brown brick two storey residential flat building with onsite car parking  (6 Units)	764
92	86 Northumberland Road	Lot 14 Sec 1 DP 995  (SP 8816)	Contains a two storey brick residential flat building with onsite car parking  (6 Units)	771
93	88 Northumberland Road	Lot 13 Sec 1 DP 995  (SP 19457)	Contains a three storey brick residential flat building with onsite car parking  (8 Units)	746
94	90 Northumberland Road	Lot 12 Sec 1 DP 995	Contains a two storey brick residential flat building with onsite car parking	785
95	92 Northumberland Road	Lot 11 Sec 1 DP 995  (SP 33079)	Contains brick two storey residential flat building with onsite car parking  (8 Units)	757
96	94 Northumberland Road	Lot 10 Sec 1 DP 995	Contains a two storey brick residential flat building with onsite car parking	775
97	96 Northumberland Road	Lot 9 Sec 1 DP 995  (SP 62670)	Contains a two storey cement rendered residential flat building with onsite car parking  (6 Units)	747



No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
98	98 Northumberland Road	Lot 8 Sec 1 DP 995  (SP 17908)	Contains a two storey brick residential flat building with onsite car parking  (6 Units)	956
99	73-75 Northumberland Road	Pt Lot 23 Sec 2 DP 955 & Lot 24 Sec 2 DP 955  (SP 8374)	Contains a two and three storey brick residential flat building with onsite car parking  (14 Units)	1545
100	77 Northumberland Road	Lot 25 Sec 2 DP 995  (SP 32801)	Contains a two storey brick residential flat building with onsite car parking  (8 Units)	935
101	79 Northumberland Road	Lot 26 Sec 2 DP 995  (SP 3918)	Contains a two storey brick residential flat building with onsite car parking  (10 Units)	928
102	81 Northumberland Road	Lot 27 Sec 2 DP 995  (SP 35153)	Contains a three storey brick residential flat building with onsite car parking  (12 Units)	936
103	83 Northumberland Road	Lot 28 Sec 2 DP 995  (SP 3230)	Contains a dark brick two storey residential flat building with onsite car parking  (10 Units)	931
104	85 Northumberland Road	Lot 29 Sec 2 DP 995  (SP 60512)	Contains a two storey brick residential flat building with onsite car parking  (6 Units)	936

No.	ADDRESS	LOT / DP	EXISTING LAND USES	LOT SIZE (m <sup>2</sup> )
105	87 Northumberland Road	Lot 30 Sec 2 DP 995  (SP 22395)	Contains a two storey brick residential flat building with onsite car parking  (8 Units)	936
106	89 Northumberland Road	Lot 31 Sec 2 DP 995  (SP 8185)	Contains a two storey brick residential flat building with onsite car parking  (8 Units)	950
107	91 Northumberland Road	Lot 32 Sec 2 DP 995  (SP 19765)	Contains a two storey brick residential flat building with onsite car parking  (8 Units)	918
108	93 Northumberland Road	Lot 33 Sec 2 DP 995  (SP 16479)	Contains a two storey brick residential flat building with onsite car parking	927
109	95 Northumberland Road	Lot 34 Sec 2 DP 995  (SP 9587)	Contains a two storey brick residential flat building with onsite car parking  (8 Units)	919
110	97 Northumberland Road	Lot 35 Sec 2 DP 995	Contains a two storey brick residential flat building with onsite car parking	952
111	99 Northumberland Road	Lot 36 Sec 2 DP 995	Contains a single storey brick dwelling with on-site car parking	1019

# Appendix 12: Site's strata subdivided lots



Strata subdivided and non-strata subdivided properties of the site and its immediate surrounds  
(Extract of Council GIS Exponare, July 2013)

# Appendix 13: Consistency with Strategic Policy Framework

## State Environmental Planning Policies (SEPPs)

No.	Title	Summary	PP application's consistency with the SEPP
1	<b>Development Standards</b>	Aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.	<b>Does not apply to Cumberland LGA.</b> SEPP repealed by <i>Auburn LEP 2010</i> , <i>Holroyd LEP 2013</i> and <i>Parramatta LEP 2011 (clause 1.9)</i> .
14	<b>Coastal Wetlands</b>	Aims to ensure the State's coastal wetlands are preserved and protected.	<b>Does not apply to Cumberland LGA.</b> Applies to specified land under the National Parks & Wildlife Act, the Tomago Aluminium Smelter (Newcastle) and land to which SEPP 26 applies.
15	<b>Rural Landsharing Communities</b>	Aims to facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices.	<b>Does not apply to Cumberland LGA.</b>
19	<b>Bushland in Urban Areas</b>	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	<b>Applies to State</b>  The subject site affected by the application is not affected by bush land.  <b>Consistent</b>
21	<b>Caravan Parks</b>	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	<b>Applies to State</b> except land to which SEPP (Western Sydney Parklands) applies.  <b>Consistent</b>
26	<b>Littoral Rainforests</b>	Aims to protect littoral rainforests from development.	<b>Does not apply to Cumberland LGA</b>

No.	Title	Summary	PP application's consistency with the SEPP
29	<b>Western Sydney Recreation Area</b>	Aims to enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area	<b>Does not apply to former Auburn LGA part of Cumberland</b> (Applies to land within Western Sydney Parklands - Eastern Creek, Prospect, Horsley Park and Hoxton Park)
30	<b>Intensive Agriculture</b>	Establishes the requirement for development consent and additional requirements for cattle feedlots and piggeries.	<b>Applies to State</b>  <b>Consistent</b>
32	<b>Urban Consolidation (Redevelopment of urban land)</b>	Aims to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner.	<b>Applies to State</b> Applies to all urban land, except Western Sydney Parklands under that SEPP <b>Consistent</b>
33	<b>Hazardous and Offensive Development</b>	Aims to provide additional support and requirements for hazardous and offensive development	<b>Applies to State</b>  <b>Consistent</b>
36	<b>Manufactured Home Estates</b>	Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	<b>Does not apply to Cumberland LGA</b> Applies to land outside the Sydney Region.
39	<b>Spit Island Bird Habitat</b>	Aims to enable development for the purposes of creating and protecting bird habitat.	<b>Does not apply to Cumberland LGA</b> Applies to land comprising Spit Island, Towra Point and Kurnell
44	<b>Koala Habitat Protection</b>	Aims to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	<b>Does not apply to Cumberland LGA</b> Former Auburn LGA parts, former Parramatta LGA parts of the Woodville Ward, and former Holroyd LGA parts that are now located within Cumberland are not listed in Schedule 1 of the SEPP.
47	<b>Moore Park Showground</b>	Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	<b>Does not apply to the Cumberland LGA</b>
50	<b>Canal Estate Development</b>	Prohibits canal estate development	<b>Applies to State, except Penrith Lakes</b>  <b>Consistent</b>



No.	Title	Summary	PP application's consistency with the SEPP
52	<b>Farm Dams and other works in land management areas</b>	Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans.	<b>Does not apply to Cumberland LGA</b>
55	<b>Remediation of Land</b>	Provides a State wide planning approach for the remediation of contaminated land.	<b>Applies to State</b>  <b>Consistent</b> The site to which the Planning Proposal is currently used for residential purposes. Any subsequent DAs on the site would need to address any contamination issues at that stage.
59	<b>Central Western Sydney Regional Open Space and Residential</b>	Aims to provide for residential development on suitable land as identified in the Policy to assist in accommodating the projected population growth of Western Sydney	<b>Does not apply to the Cumberland LGA</b>  Applies to land identified as Regional Open Space Zone and Residential Zone within the Western Sydney Parklands.
62	<b>Sustainable Aquaculture</b>	Aims to encourage and regulate sustainable aquaculture development	<b>Applies to State</b>  <b>Consistent</b>
64	<b>Advertising and Signage</b>	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	<b>Applies to State</b>  <b>Consistent</b>
65	<b>Design Quality of Residential Flat Development</b>	Aims to improve the design qualities of residential flat building development in New South Wales.	<b>Applies to State, except Kosciusko SEPP area</b>  <b>Consistent</b> The proposed controls, which would work in conjunction with Council's DCP framework, would be consistent with SEPP 65. Any subsequent DAs on the site would need to comply with the SEPP.

No.	Title	Summary	PP application's consistency with the SEPP
70	<b>Affordable Housing (Revised Schemes)</b>	Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	<b>Does not apply to Cumberland LGA</b> Applies to land within the Greater Metropolitan Region particularly City of South Sydney, City of Sydney, City of Willoughby and Leichhardt.
71	<b>Coastal Protection</b>	Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	<b>Does not apply to Cumberland</b> Applies to land within the coastal zone, as per maps of SEPP.
	<b>Penrith Lakes Scheme 1989</b>	Aims to provide a development control process establishing environmental and technical matters which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment.	<b>Does not apply to Cumberland LGA</b>
	<b>Housing for Seniors or People with a Disability 2004</b>	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	<b>Applies to State</b>  To be considered at DA stage if required.  <b>Consistent</b>
	<b>Building Sustainability Index: BASIX 2004</b>	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	<b>Applies to State</b> To be considered at DA stage if required.  <b>Consistent</b>
	<b>Kurnell Peninsula 1989</b>		<b>Does not apply to Cumberland LGA</b> Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.
	<b>State Significant Precincts 2005</b>	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	<b>Applies to State</b>  <b>Consistent</b>

No.	Title	Summary	PP application's consistency with the SEPP
	<b>Sydney Region Growth Centres 2006</b>	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	<b>Does not apply to Cumberland LGA</b> Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre)
	<b>Mining, Petroleum Production and Extractive Industries 2007</b>	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	<b>Applies to State</b>  <b>Consistent</b>
	<b>Infrastructure 2007</b>	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	<b>Applies to State</b>  <b>Consistent</b>
	<b>Kosciuszko National Park – Alpine Resorts 2007</b>	Aims to protect and enhance the natural environment of the alpine resorts area.	<b>Does not apply to Cumberland LGA</b> Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	<b>Rural Lands 2008</b>	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	<b>Does not apply to Cumberland LGA</b>
	<b>Western Sydney Employment Area 2009</b>	Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	<b>Applies to Cumberland LGA</b> Applies to Greystanes Northern Employment Lands.  The land to which the proposal applies is not affected by this SEPP.
	<b>Exempt and Complying Development Codes 2008</b>	Aims to provide streamlined assessment process for development that complies with specified development standards.	<b>Applies to State</b>  <b>Consistent</b>
	<b>Western Sydney Parklands 2009</b>	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	<b>Applies to Cumberland LGA</b> Applies to land within Blacktown, Fairfield, Liverpool LGAs and a small part of former Holroyd LGA now located within Cumberland LGA.  The land to which the proposal applies is not affected by this SEPP.

No.	Title	Summary	PP application's consistency with the SEPP
	<b>Affordable Rental Housing 2009</b>	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	<p><b>Applies to State</b></p> <p>To be considered at DA stage if required.</p> <p><b>Consistent</b></p>
	<b>Urban Renewal 2010</b>	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	<p><b>Applies Cumberland LGA</b></p> <p>Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.</p> <p>The land subject to this proposal is not affected by the above SEPP.</p>
	<b>Sydney Drinking Water Catchment 2011</b>	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	<p><b>Does not apply to Cumberland LGA</b></p> <p>Applies to land within the Sydney drinking water catchment.</p>
	<b>SEPP 53 Transitional Provisions 2011</b>	Aims to enact transitional provisions consequent on the repeal of SEPP 53 - Metropolitan Residential Development.	<p><b>Does not apply to Cumberland LGA</b></p> <p>Applies only to specified land in Kuring-gai LGA.</p>
	<b>State and Regional Development 2011</b>	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	<p><b>Applies to State</b></p> <p><b>Consistent</b></p>
	<b>Three Ports 2013</b>	Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle.	<p><b>Does not apply to Cumberland LGA</b></p> <p>Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla and land within New Castle City Council in an area known as Port Newcastle.</p>
	<b>Miscellaneous consent provisions 2007</b>	Aims to provide erection of temporary structures permissible with consent across the State.	<p><b>Applies to State</b></p> <p><b>Consistent</b></p>

## State Regional Environmental Plans (Deemed SEPPs)

No	Title	Summary	Application
8	<b>Central Coast Plateau Areas</b>	Aims to implement the state's urban consolidation policy.	<b>Does not apply to Cumberland LGA</b> Applies to nominated land in the NSW Central Coast.
9	<b>Extractive Industry No. 2 1995</b>	Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	<b>Applies to the Cumberland LGA</b> Applies to LGAs listed in Schedule 4 (includes Parramatta and Holroyd LGAs).  The land to which the proposal applies is not affected by this deemed SEPP.
16	<b>Walsh Bay</b>	Aims to regulate the use and development of the Walsh Bay area.	<b>Does not apply to Cumberland LGA</b> Applies to land within the City of Sydney and within Sydney Harbour.
18	<b>Public transport corridors</b>	Aims to protect provision for future public transport facilities.	<b>Does not apply to Cumberland LGA</b> Applies to the City of Fairfield only.  The land to which the proposal applies is not affected by this Deemed SEPP.
19	<b>Rouse Hill Development Area</b>	Aims to provide for the orderly and economic development of the RHDA.	<b>Does not apply to Cumberland LGA</b> Applies to area defined by policy that is Baulkham Hills and Blacktown LGAs.
20	<b>Hawkesbury Nepean</b>	Aims to protect the Hawkesbury-Nepean River System.	<b>Does not apply to Cumberland LGA.</b> Applies to certain LGAs within Greater Metropolitan Region.



No	Title	Summary	Application
24	<b>Homebush Bay Area</b>	Aims to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to rest of the former Auburn LGA which is now located within City of Parramatta – refer to <i>State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map</i>.</p>
26	<b>City West</b>	Aims to promote the orderly and economic use and development of land within City West.	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to land shown as City West area (Pymont and Ultimo)</p>
30	<b>St Marys</b>	Aims to support the redevelopment of St Marys by providing a framework for sustainable development.	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to specified land within the Blacktown and Penrith LGAs</p>
33	<b>Cooks Cove</b>	Establishes the zoning and development controls for the Cooks Cove site.	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to specified land at Cooks Cove within the suburb of Arncliffe.</p>
	<b>Sydney Harbour Catchment 2005</b>	Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.	<p><b>Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River.</b></p> <p>Applies to some land within the Cumberland LGA.</p> <p><b>Consistent</b></p>

## Section 117 Directions

Section 117 directions apply to planning proposals lodged with Department of Planning and Environment

Direction		Consistency
<b>1. Employment and Resources</b>		
1.1	Business and Industrial Zones	<p>Not applicable</p> <p>The site to which the proposal applies seeks to rezoned land from R3 Medium Density Residential to R4 High Density Residential zone.</p> <p>The proposal does not rezone or amend the principal development standards resulting in a loss of regionally and strategically significant employment lands within the LGA.</p>
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
<b>2. Environment and Heritage</b>		
2.1	Environment Protection Zones	<p><b>Consistent</b></p> <p>The site to which the proposal applies is not affected by flooding under the <i>Auburn LEP 2010</i>.</p>
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	<p>Not applicable</p> <p>The site to which the proposal applies is not affected by environmental heritage under the <i>Auburn LEP 2010</i>.</p>
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	<p>Not applicable</p> <p>The site to which the proposal applies seeks to rezone land from R3 Medium Density Residential to R4 High Density Residential zone. This rezoning proposal encourages the provision of housing.</p>

Direction	Consistency
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	<b>Consistent</b> Does not change the permissibility of home occupations.
3.4 Integrating Land Use and Transport <i>What a relevant planning authority must do if this direction applies</i> A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i> (b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i> <i>Consistency</i> A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study prepared in support of the Planning Proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	<b>Consistent</b> The site to which the proposal applies is located 630 metres from Auburn's Town Centre and Railway Station.  The site is serviced by existing Sydney and Transdev bus transport services and cycle routes which can be accessed within 5-15 minutes walking distance from the site.  The proposal is broadly consistent with the objectives and principles of the mentioned DP&E policies. The land to which the proposal applies is predominantly (70%) developed with 2, 3 and 4 storey residential flat buildings that are strata subdivided.  The supplementary information which was prepared for Traffic and Transport by Hyder (at Appendix 5) tests the proposed zoning and principal development standards (including for corner sites) for the former and this planning proposal.  This planning proposal does not revise the proposed rezoning or the principal development standard provisions for the subject land. The proposal deletes (removes) only the proposed bonus development provisions to deliver a 2500m <sup>2</sup> park, and the corresponding requirements relating to the provision of 2500m <sup>2</sup> park and through site connection.  The supporting information reveals the traffic and transport impacts created as a result of the rezoning is minor. Any other subsequent issues relating to car parking would be addressed at the DA stage.
3.5 Development Near Licensed Aerodromes	Not applicable

Direction		Consistency
3.6	Shooting Ranges	Not applicable
<b>4. Hazard and Risk</b>		
4.1	Acid Sulphate Soils	<b>Consistent</b> The site to which the proposal applies is affected by Class 5 Acid Sulphate Soils. Any future DAs to redevelop the site would need compliance with Acid Sulphate Soils Management Plan in accordance with clause 6.1(3) of the <i>Auburn LEP 2010</i> .
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable The site to which the proposal applies is not affected by flooding.
4.4	Planning for Bushfire Protection	Not applicable
<b>5. Regional Planning</b>		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Not applicable
<b>6. Local Plan Making</b>		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	<b>Consistent</b> The land to which the Planning Proposal applies proposes to rezone the subject land, and increase principal development standards for the site. The proposal also provides justification of the

Direction	Consistency
	<p>removal of bonus development provisions to deliver a park and corresponding requirements to include a park and a through site connection within North Auburn (Refer to <b>Appendix 6</b>).</p> <p>The site specific provisions proposed are unlikely to amend the <i>Auburn Development Control Plan 2010</i>, and the resolved provisions for the revised proposal do not contradict with this direction in any manner.</p>
<b>7. Metropolitan Planning</b>	
7.1 Implementation of <i>A Plan for Growing Sydney</i>	<p>The proposal is consistent with the following action:</p> <ul style="list-style-type: none"> <li>2.1.1 Accelerate Housing Supply and Local Housing Choices</li> </ul>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable