

Item No: ELPP044/19

## **AUBURN AND LIDCOMBE TOWN CENTRES PLANNING CONTROLS STRATEGY**

Responsible Division: Environment & Planning  
Officer: Manager Strategic Planning  
File Number: S-5740-02  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This report provides relevant information on the Council report and minutes for the Auburn and Lidcombe Town Centres Planning Controls Strategy for consideration and advice by the Cumberland Local Planning Panel.

### **RECOMMENDATION**

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**That the Cumberland Local Planning Panel consider and provide advice on the report and minutes of 17 April 2019 for the Auburn and Lidcombe Town Centres planning controls strategy.**

### **REPORT**

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The Auburn and Lidcombe Town Centres Planning Controls Strategy was reported to Council at the meeting on 17 April 2019 (Attachments 1 to 5). One of the items under the resolution from the meeting was for Council to refer the Strategy to the Cumberland Local Planning Panel (CLPP) for advice (Attachment 6).

This Strategy was referred to the CLPP on 8 May 2019. At this meeting, the Panel requested that a separate Panel meeting be scheduled for consideration of this Strategy due to its complexity (Attachment 7).

This report provides the relevant information on the Council report and minutes for the Auburn and Lidcombe Town Centres Planning Controls Strategy for consideration and advice by the Cumberland Local Planning Panel.

### **COMMUNITY ENGAGEMENT**

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Community engagement is outlined in the attached Council report.

### **POLICY IMPLICATIONS**

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Policy implications are outlined in the attached Council report.

## **RISK IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **CONCLUSION**

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This report provides the relevant information on the Council report and minutes for the Auburn and Lidcombe Town Centres Planning Controls Strategy for consideration and advice by the Cumberland Local Planning Panel.

## **ATTACHMENTS**

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1. Council Report - 17 April 2019
2. Planning Controls Strategy for Auburn and Lidcombe Town Centres
3. Submissions received during public exhibition
4. Council Report and Minutes - 21 December 2016
5. Cumberland IHAP Reports - 17 November 2016
6. Council Minutes - 17 April 2019
7. Cumberland Local Planning Panel Minutes - 8 May 2019

Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Thursday 20 June 2019.

**PRESENT:**

Stuart McDonald, Michael Ryan, Chris Young and Paul Moulds AM.

**IN ATTENDANCE:**

Monica Cologna, Glenn Weekley, Esra Calim and Olivia Shields.

**NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING**

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 12:31p.m.

**DECLARATIONS OF INTEREST:**

Mr Stuart McDonald declared an interest in relation to Item 044/19 - Auburn and Lidcombe Town Centres Planning Controls Strategy, as he is acting for Council in regards to a development site in Northumberland Road, Auburn, within Precinct 18 of the study area, which is subject to an appeal to the Land and Environment Court. In consultation with Council's solicitors, Mr Stuart McDonald has determined to have no involvement in the Panel's consideration of Precinct 18 and Mr Chris Young will Chair this part of the meeting.

Mr Paul Moulds AM declared an interest in relation to Item 044/19 - Auburn and Lidcombe Town Centres Planning Controls Strategy as he manages a building and programs on a site that lies in one of the Precincts in Auburn considered in this application, the Salvation Army located at 199-170 South Parade, Auburn. Mr Paul Moulds AM will not participate in the Panels consideration of this particular precinct being Precinct 6.

**ADDRESS BY INVITED SPEAKERS:**

The following persons had made application to address the Cumberland Local Planning Panel meeting:

<u>Speakers</u>	<u>Item No. Subject</u>
Rev Graham Guy	Auburn and Lidcombe Town Centres Planning Controls Strategy

Kerryn Stanton	Auburn and Lidcombe Town Centres Planning Controls Strategy
Tony Oldfield	Auburn and Lidcombe Town Centres Planning Controls Strategy
Matthew Daniel	Auburn and Lidcombe Town Centres Planning Controls Strategy
Peter Smith	Auburn and Lidcombe Town Centres Planning Controls Strategy
James Matthews	Auburn and Lidcombe Town Centres Planning Controls Strategy
Stephen Earp	Planning Proposal for an Additional Permitted use of Educational Establishment at 2 Percy Street, Auburn.

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel and no further persons presented themselves.

The open session of the meeting here closed at 1:26p.m.


The closed session of the meeting here opened at 1:27p.m.









ITEM LPP044/19 - AUBURN AND LIDCOMBE TOWN CENTRES PLANNING CONTROLS STRATEGY








**RECOMMENDATION**

1. The Panel has made the following recommendations in the tables below having considered the public submissions presented at the Local Planning Panel meeting in addition to the written submissions received, particularly in regards to the reduction in floor space ratios.
2. The Panel acknowledges and supports the position of the Department of Planning and Environment and the advice of the Council Officers that the reduction of existing floor space ratios within the Auburn and Lidcombe town centres is not a practicable strategic solution.
3. The Panel recommends to the Council that in developing detailed planning controls for both of the town centres that it introduce the following:
  - a. That a minimum FSR of 0.5:1 be non-residential uses in the following precincts in the core of both town centres:
    - i. Precincts 1, 2, 3, 4, 5, 12, 13, 14 and 16 in Auburn town centre
    - ii. Precincts 1, 2, 3, 8, 9, 10, 14, and 15 in Lidcombe town centre
  - b. Minimum lot sizes as a prerequisite to achieve maximum FSR and building height.
  - c. Comprehensive built form development controls including but not limited to appropriate street wall heights, setbacks of towers above street wall podiums, active street frontages and façade design.
4. The Panel recommends the joint exhibition of any future Planning Proposal and associated DCP if practicable.




**Auburn Town Centre**

Precinct (refer to precinct maps for precinct boundary details)	Planning officer Recommended controls	CLPP Recommendation June 2019
<p><b>Precinct 1</b> Auburn Road, Mary Street, Harrow Road, Queen Street</p> 	<p><i>Zoning:</i> B4 Mixed Use <i>FSR:</i> 5:1 <i>Height:</i> 70m</p>	<ol style="list-style-type: none"> <li>1. <i>Support Council Officers recommendation regarding FSR but not height.</i></li> <li>2. <i>With regard to height the Panel recommends the exhibited height of 60m maximum for the reason of general consistency with</i></li> </ol>



		<p>other land identified in the immediate locality with an FSR of 5:1.</p> <p>3. The Panel also does not support the Land Owner request for FSR of 9:1 and height of 90m for reasons outlined in the CIHAP meeting minutes dated 24 August 2016.</p>
<p><b>Precinct 2</b> Park Road, north of Mary St, Harrow Road</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 60m; NE corner 49m</p>	Supports Council Officers recommendation
<p><b>Precinct 3</b> South of Mary St, Harrow Road, Sudan Street, Kerr Parade</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 55m</p>	Supports Council Officers recommendation
<p><b>Precinct 4</b> Auburn Central</p> 	<p>Zoning: B4 Mixed Use FSR: 3.75:1 Height: 49m</p>	Supports Council Officers recommendation
<p><b>Precinct 5</b> South Parade Vales Lane Auburn Road Civic Road Kerr Parade</p> 	<p>Zoning: B4 Mixed Use FSR: 2.4:1 Height: 18m</p>	Supports Council Officers recommendation
<p><b>Precinct 6</b> South Parade, Alice Street, Queen Street and Park Road</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 38m</p>	Supports Council Officers recommendation
<p><b>Precinct 7</b> Queen Street, Alice Street, Mary Street, Park Road</p> 	<p>Zoning: B4 Mixed Use FSR: 3:1 Height: 27m</p>	Supports Council Officers recommendation
<p><b>Precinct 8</b> lots zoned B4 fronting southern side of Mary St</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 38m</p>	Supports Council Officers recommendation
<p><b>Precinct 9</b> Harrow Road, north of Beatrice Street, Susan Street</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: NW corner 55m, remainder 45m</p>	Supports Council Officers recommendation

Precinct (refer to precinct maps for precinct boundary details)	Planning officer Recommended controls		CLPP Recommendation June 2019
<b>Precinct 10</b> Queen St, Susan Street, Beatrice Street, Marion Street 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 3:1  <b>Height:</b> 27m		<i>Supports Council Officers recommendation</i>
<b>Precinct 11</b> Kerr Parade, Marion Street, Queen Street 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 3:1  <b>Height:</b> 32m		<i>Supports Council Officers recommendation</i>
<b>Precinct 12</b> Station Road, Kerr Parade, Auburn Road 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 2.4:1  <b>Height:</b> 27m		<i>Supports Council Officers recommendation</i>
<b>Precinct 13</b> northern side of Rawson Street and west of Station Road 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 65m		<ol style="list-style-type: none"> <li>1. <i>Supports Council Officers recommendation regarding FSR but not height</i></li> <li>2. <i>With regard to height the Panel recommends the exhibited height of 55m maximum for the reason of general consistency with land to the west in Precinct 14.</i></li> </ol>
<b>Precinct 14</b> Mid-block between Macquarie and Northumberland Roads 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 55m		<i>Support Council Officers recommendation.</i>
<b>Precinct 15</b> mid-block between Station and Northumberland Road 	<b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 5:1  <b>Height:</b> 38m		<i>Support Council Officers recommendation.</i>
<b>Precinct 16</b> 16a north of Rawson Street 16b south of Rawson St 	<b>16a (north)</b>  <b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> 3.6:1  <b>Height:</b> 38m	<b>16b (south)</b>  <b>Zoning:</b> B4 Mixed Use  <b>FSR:</b> defer consideratio n  <b>Height:</b> defer consideratio n	<i>Support Council Officers recommendation.</i>

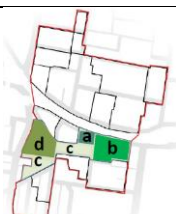






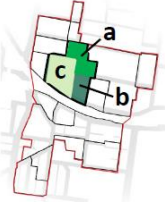




<p><b>Precinct 17</b> Station Road/Hall Street/Holliday Lane</p> 	<p>Holliday Lane-Station Street <b>Zoning: B4</b> <b>FSR: 3.6:1</b> <b>Height: 25m</b></p>	<p>Holliday Lane-Dartbrook Rd <b>Zoning: R4</b> <b>FSR: 2:1</b> <b>Height: 20m</b></p>	<p><i>Support Council Officers recommendation.</i></p>
<p><b>Precinct 18</b> Macquarie Road, Hall Street, Station Road</p> 	<p><b>Zoning: B4 Mixed Use</b> <b>FSR: 3.6:1</b> <b>Height: 38m</b></p>		<p><i>Support Council Officers recommendation.</i></p>
<p><b>Precinct 21</b> South of Rawson Street, east of Dartbrook Road</p> 	<p><b>Zoning: defer consideration</b> <b>FSR: defer consideration</b> <b>Height: defer consideration</b></p>		<p><i>Support Council Officers recommendation.</i></p>


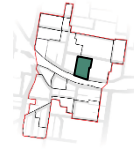
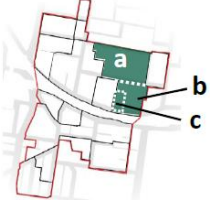



**Lidcombe Town Centre**

<p><b>Precinct</b> (refer to precinct maps for precinct boundary details)</p>	<p><b>Planning officer Recommended controls</b></p>	<p><b>CLPP Recommendation June 2019</b></p>
<p><b>Precinct 1</b> Bridge Street, Tooheys Lane, Joseph Street</p> 	<p><b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b> <b>Height: 70m</b></p>	<p>1. <i>Support Council Officers recommendation regarding FSR but not height.</i></p> <p>2. <i>With regard to height the Panel recommends the exhibited height of 60m maximum which will be consistent with the previous CIHAP recommendation.</i></p>
<p><b>Precinct 2</b> East of Joseph Street, fronting Railway Street</p> 	<p><b>Zoning: B4 Mixed Use</b> <b>FSR: 5:1</b> <b>Height: 65m</b></p>	<p>1. <i>Support Council Officers recommendation regarding FSR but not height.</i></p> <p>2. <i>With regard to height the Panel recommends the exhibited height of 55m maximum which will be consistent with the previous</i></p>



		CIHAP recommendation.								
<p><b>Precinct 3</b></p> <p>3a: fronting Railway Street between station and Mark Street</p> <p>3b: Mark, Railway, Raphael, Davey-Marsden Streets</p> <p>3c: east of Joseph Street and around Taylor Street</p>  <p>3d: Bridge, Joseph and Vaughan Streets)</p>	<p>Zoning: B4 Mixed Use FSR: 5:1</p> <table border="1"> <thead> <tr> <th>3a</th> <th>3b</th> <th>3c</th> <th>3d</th> </tr> </thead> <tbody> <tr> <td>Height: 60m</td> <td>Height: 50m</td> <td>Height: 38m</td> <td>Height: 65m</td> </tr> </tbody> </table>	3a	3b	3c	3d	Height: 60m	Height: 50m	Height: 38m	Height: 65m	<ol style="list-style-type: none"> <li>Support Council Officers recommendation regarding height in precinct 3c.</li> <li>Recommends maximum height of 55m for precincts 3a and 3d and 45m for precinct 3b all as exhibited and as previously recommended by CIHAP.</li> </ol>
3a	3b	3c	3d							
Height: 60m	Height: 50m	Height: 38m	Height: 65m							
<p><b>Precinct 4</b></p> <p>Marsden-Davey, Mark, janes and Raphael Streets</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 38m</p>	<p>Support Council Officers recommendation.</p>								
<p><b>Precinct 5</b></p> <p>Between Taylor Street and Remembrance Park</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 32m</p>	<p>Support Council Officers recommendation.</p>								
<p><b>Precinct 6</b></p> <p>B4 zoned land south west of Kerrs Road and Joseph Street</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 38m</p>	<p>Support Council Officers recommendation.</p>								
<p><b>Precinct 7</b></p> <p>Kerrs Road, Olympic Drive, Raymond Street East, Joseph Street</p> 	<p>Zoning: R4 High Density Residential FSR: 2:1 Height: 25m</p>	<ol style="list-style-type: none"> <li>Supports Council Officers recommendation regarding FSR and R4 zoning.</li> <li>Recommends height maximum 20m for the reason of consistency with R4 zone land adjoining to the east and to achieve a more appropriate interface with existing R2 low density residential zoned land adjoining to the south.</li> </ol>								

Precinct (refer to precinct maps for precinct boundary details)	Recommended controls	CLPP Recommendation June 2019			
<p><b>Precinct 8</b> 8a north east of Mary and Board Streets, south of Dodson Avenue 8b Church, John and Mary Streets 8c east of John Street (Dooleys)</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1</p> <table border="1" data-bbox="655 371 1102 853"> <tr> <td data-bbox="655 371 810 853">8a Height: 38m</td> <td data-bbox="810 371 970 853">8b Height: 55m</td> <td data-bbox="970 371 1102 853">8c Height: 70m</td> </tr> </table>	8a Height: 38m	8b Height: 55m	8c Height: 70m	<ol style="list-style-type: none"> <li>Support Council Officers recommendation regarding 8a and 8b but not 8c.</li> <li>With regard to height in 8c the Panel recommends the exhibited height of 60m maximum for the reason of general consistency with land to the east of John Street and fronting Church Street.</li> </ol>
8a Height: 38m	8b Height: 55m	8c Height: 70m			
<p><b>Precinct 9</b> Western half of Dooleys site</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 70m</p>	<ol style="list-style-type: none"> <li>Support Council Officers recommendation regarding FSR but not height.</li> <li>With regard to height the Panel recommends the exhibited height of 60m maximum as this is the existing control.</li> </ol>			
<p><b>Precinct 10</b> Ann Street, Olympic Drive, Board Street</p> 	<p>Zoning: B4 Mixed Use FSR: 3.5:1 Height: 38m</p>	<p>Supports Council Officers recommendation</p>			
<p><b>Precinct 11</b> Ann Street, Olympic Drive, Child Street</p> 	<p>Zoning: R4 High Density Residential FSR: 3:1 Height: 32m</p>	<p>Supports Council Officers recommendation</p>			
<p><b>Precinct 12</b> Childs, John, and Ann Streets (east of John Street)</p> 	<p>Zoning: B4 Mixed Use FSR: 5:1 Height: 38m</p>	<p>Supports Council Officers recommendation</p>			

Precinct (refer to precinct maps for precinct boundary details)	Recommended controls			CLPP Recommendation June 2019
<b>Precinct 13</b> North of Childs Street, east of John Street 	<b>Zoning:</b> R4 High Density Residential <b>FSR:</b> 2:1 <b>Height:</b> 20m			<i>Support Council Officers recommendation.</i>
<b>Precinct 14</b> Mid-block between Church and Mary Streets 	<b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 5:1 <b>Height:</b> 38m			<i>Support Council Officers recommendation.</i>
<b>Precinct 15</b> <b>15a</b> Doodson Ave, Frederick and Mary Streets <b>15b</b> mid-block south of Mary Street, between Mary-Church Streets <b>15c</b> fronting Church Street (mid-block) 	<b>15a</b> <b>Zoning:</b> R4 High Density <b>FSR:</b> 2.2:1 <b>Height:</b> 29m	<b>15b</b> <b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 2.2:1 <b>Height:</b> 29m	<b>15c</b> <b>Zoning:</b> B4 Mixed Use <b>FSR:</b> 2.5:1 <b>Height:</b> 36m	<i>Support Council Officers recommendation.</i>
<b>Precinct 15 east</b> 31 and 33 Mary Street (now included as part of Precinct 15) 	<b>Zoning:</b> R4 High Density <b>FSR:</b> 2:1 <b>Height:</b> 20m			<i>Support Council Officers recommendation.</i>
<b>Precinct 16</b> Mary, Swete, Mills (E), and Frederick Streets (now extends to southern side of Mills Street) 	<b>Zoning:</b> R4 High Density <b>FSR:</b> 2:1 <b>Height:</b> 20m			<i>Support Council Officers recommendation.</i>
<b>Precinct 17</b> Vaughan Street, Olympic Drive, Kerrs Road 	<b>Zoning:</b> R4 High Density Residential <b>FSR:</b> 2:1 <b>Height:</b> 20m			<i>Support Council Officers recommendation.</i>

**For:** Stuart McDonald (Chairperson) (with the exception of Precinct 18 Auburn), Michael Ryan, Chris Young and Paul Moulds AM (with the exemption of Precinct 6 Auburn).

In relation to Precinct 6 Auburn Paul Moulds AM took no part in the discussion and consideration. In relation to Precinct 18 Auburn, Stuart McDonald took no part in the discussion and consideration. Chris Young Chaired the Panel's consideration of Precinct 18.

**Against:** Nil.

ITEM LPP045/19 - PLANNING PROPOSAL FOR AN ADDITIONAL PERMITTED USE OF EDUCATIONAL ESTABLISHMENT AT 2 PERCY STREET, AUBURN

**RECOMMENDATION:**

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**1. The Panel advises the Council as follows:**

- a. That Council's attention be drawn to the proposed use being inconsistent with the objectives of the current IN2 Light Industrial zone.
- b. The proposed student population together with teachers and support staff appears to be an excessive scale of development given the size and constraints of the site and the locality.
- c. An educational establishment may be an acceptable land use on the site and recognises the demand for such a facility within the community subject to the above.

**2. The Panel recommends that the Council consider the above advice, and in particular items 1a and 1b when determining the form of the Planning Proposal in achieving the objective of the proposed educational establishment on the site.**

**For:** Stuart McDonald (Chairperson), Michael Ryan, Chris Young and Paul Moulds AM

**Against:** Nil.

The closed session of the meeting here closed at 4:40p.m.

The open session of the meeting here opened at 4:41p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 4:45p.m.

Signed:



Stuart McDonald  
Chairperson

12 August 2019

Apology: Paul Moulds

Attendance: Monica Cologna, Karl Okorn, Esra Calim, Stuart McDonald, Chris Young, Mike Ryan.

Outcome:

The panel is open to further consideration of the principal put forward from Council officers regarding additional height in certain locations.

At this time however, the panel is concerned about unintended consequences of using Clause 4.6 relating to FSR and height for sites seeking to utilise the Design Excellence provisions. These include:

- The potential use of Clause 4.6 to justify additional FSR associated with any increase in height arising from the achievement of design excellence.
- The potential use of Clause 4.6 to achieve additional height over and above that available from the achievement of Design Excellence.
- The use of Clause 4.6 for additional height in lieu of Design Excellence provisions.


The panel therefore reaffirms its recommendation of 20 June 2019 meeting, however, is open to reconsideration of its recommendations subject to the following:

- Adequate statutory safe guards including but not limited to the potential restriction of the use of Clause 4.6.
- In the event the Council request the panel to give further consideration, the panel would request a further meeting/briefing regarding those additional provisions as well as consider each individual precinct in more detail to understand the capacity for additional height.

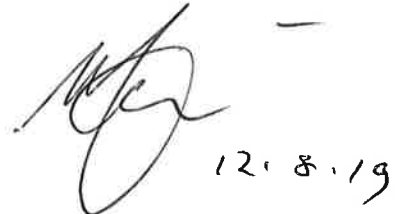
Stuart McDonald  
Chair

Chris Young  
Panel member

Michael Ryan  
Panel member

  
12/8/19

  
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