

# PLANNING PROPOSAL

## to amend *Auburn Local Environmental Plan 2010*

### *Auburn Local Environmental Plan 2010 (Amendment No 1)*

**DATE:** 15 March 2011

This Planning Proposal is made under s.55 of the *Environmental Planning and Assessment Act 1979* (the “**Act**”) to explain the intended effect of the proposed instrument and to set out the justification for the making of the proposed instrument.

The Act requires the following matters to be considered.

#### **The objectives or intended outcomes of the proposed instrument:**

(s.55(2)(a))

To amend *Auburn Local Environmental Plan 2010* (‘the ALEP 2010’) rather than *Auburn Local Environmental Plan 2000*, (as was proposed by *Auburn Local Environmental Plan 2002 (Amendment No 22)*), by:

- permitting retail premises on a nominated section of Parramatta Road to which the proposed instrument will apply (the ‘Commercial Precinct’);
- revitalising a defined area of Parramatta Road through the introduction of new economic and employment opportunities; and
- creating an attractive precinct containing a range of uses and well designed buildings.

#### **Explanation of the provisions that are to be included in the proposed instrument:**

(s.55(2)(b))

The Commercial Precinct is zoned B6 Enterprise Corridor under *Auburn Local Environmental Plan 2010*. “Retail premises” are currently prohibited in Zone B6 Enterprise Corridor.

The ALEP 2010 provides for a greater floor space ratio (FSR) in the ‘Commercial Precinct’ by development type. There is currently no further FSR controls for the ‘Commercial Precinct’ in the ALEP 2010.

The proposed instrument will therefore amend the ALEP 2010 by:

1. permitting ‘retail premises’ with consent in the ‘Commercial Precinct’; and
2. establishing a maximum FSR for ‘retail premises’ in the ‘Commercial Precinct’ of 1.5:1.

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**Justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117):**

(s.55(2)(c))

### **Justification for objectives, outcomes and provisions**

The justification for the objectives, outcomes and provisions of the Planning Proposal have been informed by strategic studies Council have completed or have commissioned from consultants. They include the following:

- Auburn LEP 2000;
- Auburn Industrial Areas DCP;
- Auburn Community Facility Needs Assessment and Development Study (Heather Nesbitt Planning, March 2007);
- Planning for Retail and Commercial Development Draft Centre Policy, NSW Department of Planning Consultation Draft, April 2009;
- Auburn LEP 2010 (ALEP); and
- Transport Management Accessibility Plan (TMAP) prepared for the RTA by Sinclair Knight Mertz (SKM) on behalf of Council. The TMAP is currently with the RTA for comment.

The following related studies were prepared to underpin the ALEP 2010:

- Auburn Employment Lands Study and ELS Supplementary Report;
- Urban Design Analysis and Response to Urban Design Analysis Position Paper;
- Buildings heights analysis; and
- Floor space ratio analysis.

### **Heritage**

The area of Parramatta Road to which the Planning Proposal applies contains three Heritage items listed under the ALEP 2010. These include:

- the road bridge over Haslams Creek;
- the stand of *eucalyptus longifolia* on the western side of the intersection of Hill Road and Parramatta Road; and
- the canalisation of Haslams Creek south of Parramatta Road

The Planning Proposal is unlikely to affect the heritage status of these items or the controls applying under the ALEP 2010. Additionally, impact upon existing items will be considered as part of a merit assessment at development application stage. Therefore, there are no heritage implications to these sites resulting from the changes proposed in the draft LEP.

### **Assessment against relevant SEPPs and SREPs (Deemed SEPPs)**

An assessment of the draft LEP against the State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs) is provided at **Attachment B – Assessment against relevant SEPPs.**

In summary, the draft LEP is consistent with all applicable SEPPs.

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### **Assessment against West Central Subregional Draft Subregional Strategy**

The draft LEP is consistent with the key actions of the West Central Subregional Draft Subregional Strategy ('the Strategy'). An assessment against the key actions from this Strategy is provided in **Attachment C – Assessment against West Central Subregional Draft Subregional Strategy**.

Most notably, the Strategy supports the development of centres and employment generating development within Enterprise Corridors and encourages councils to implement planning controls to revitalise existing employment lands through LEPs.

### **Assessment against Draft Centres Policy 'Planning for Retail and Commercial Development'**

The draft LEP is consistent with the Draft Centres Policy. An assessment is provided at **Attachment D – Assessment against Draft Centres Policy**. The following evaluation criteria relating to:

- Whether the existing public infrastructure (roads, rail and utilities) are capable of servicing the proposed site; if there are good pedestrian and cycling access; and is public transport currently available or is there infrastructure capacity to support future public transport?

Assessment – This is to be addressed by relevant studies to determine the increase in demand on this infrastructure as a result of proposed developments in the merit assessment of development applications. In addition, Council has prepared a TMAP to detail traffic and transport infrastructure measures required to support future development. In summary, SKM found that:

- The local road network requires certain upgrades to facilitate existing planned development in the locality and significant planned development surrounding the area (notably, SOPA development and expansion of the Carter St Business Park).
  - Further additional work will be required to support LEP 22.
  - The Introduction of Metro Bus Route 92 (Strathfield to Parramatta) from March 2011 will enable the full achievement of the TMAP's assumptions regarding use of public transport.
- will the Local Environmental Plan be compatible/complementary with surrounding land uses?

Assessment – Yes, the introduction of retail premises uses to the 'Commercial Precinct' will result in compatible land uses to those surrounding uses which are predominately bulky goods, commercial and showroom businesses on large lots. There are two established bulky goods/outlet centres which currently exist within the Precinct. Development of retail premises, as permitted by the draft LEP, will support and enhance these existing developments.

### **Assessment against S.117 Directions**

The following S.117 Directions apply to the Planning Proposal (also see **Attachment E**):

**1.1 Business and Industrial Zones** – The Planning Proposal is consistent with this direction as it encourages employment generating uses to the ALEP 2010 in the *B6 Enterprise corridor* zone, which has been made under the SI template format.

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In this respect, these uses being the office premises and retail premises uses.

**2.3 Heritage Conservation** – The Planning Proposal is consistent with this Direction because ALEP 2010 contains provisions that protect heritage items, places, buildings, works, relics, moveable objects or heritage precincts. The Planning Proposal does not seek any amendments to this.

**3.4 Integrating Land Use and Transport** - The Planning Proposal was initially inconsistent with this Direction. The NSW Roads and Traffic (RTA) stated an objection to the making of the Draft LEP. Before the RTA lifted its objection, the RTA required Council to provide a comprehensive TMAP for the entire Parramatta Road Commercial Precinct' to properly ascertain the cumulative regional traffic impacts associated with the development (such as traffic and transport infrastructure measures required to support future development; regional and local intersection and road improvements; vehicular access options for adjoining sites; public transport needs; timing and cost of infrastructure works; and the identification of funding responsibilities associated with the development. In this respect Council have commenced the TMAP process and the latest TMAP was referred to the RTA for review and comment on 11 February 2011.

**4.1 Acid Sulfate Soils** – The subject land on Parramatta Road has been identified as containing acid sulfate soils Class 2 as identified on the Auburn LEP 2010, Acid Sulfate Map. Clause 6.1 of ALEP 2010 contains additional provisions to deal with the management and development of land with acid sulfate soils. In this regard, Council's merit assessment ensures compliance with the *Acid Sulfate Soils Manual*. Therefore, the draft LEP is consistent with this Direction as Council's ALEP 2010 and development consent includes mechanisms which ensure acid sulfate issues are addressed.

**4.3 Flood Prone Land** – The proposed retail precinct are contained within the flood planning area identified on the ALEP 2010 Flood Planning Map. The draft LEP is consistent with this Direction, as clause 6.3 Flood Planning of the ALEP 2010, provides controls which protect land affected by flooding and in accordance with the *Floodplain Development Manual* published in 2005. In addition, Council's ADCP 2010 6.0 Flood risk management, contains additional controls and considerations in Council's merit assessment process. On this basis, the draft LEP is consistent with this Direction.

**6.3 Site Specific Provisions** – The draft LEP is **inconsistent** with this Direction, as the first step in bringing about a centre on Parramatta Road which has strong retail focus in which 'retail premises' is a new use to only part of the B6 zone. This is considered that this is a minor inconsistency for the following reasons: the creation of a 'centre' in a B6 zone is consistent with the Key Directions of the *West Central Subregion draft Subregional Strategy* for Economy and Employment, and Centres and Transport; and the proposed zone has the potential to achieve objectives of the s.117 Direction 3.4 Integrating Land Use and Transport. In addition, the draft LEP is consistent with the Draft Centres Policy and all other requirements for LEPs including SEPPs, SREPs (deemed SEPPs) and The Department of Planning's (the 'DoP') Best Practice Guidelines and Practice Notes. Council is also supportive of the RTA and MoT's requirement to produce a TMAP for the retail precinct, which is currently with the RTA for review and comment. In this regard, this minor inconsistency is required to obtain authorisation from the Director General of the DoP.

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**If maps are to be adopted by the proposed instrument, such as maps for proposed zones; heritage areas; flood prone land - a version of the maps containing sufficient detail to indicate the substantive effects of the proposed instrument:**

(s.55(2)(d))

A copy of the maps to be adopted by the proposed instrument are reproduced at **ATTACHMENT A – see separate attachment**

**Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument:**

(s.55(2)(e))

The proposed amendment to *Auburn Local Environmental Plan 2000* was exhibited under former s.66 of the Act from 22 July 2009 to 21 August 2009 for a period of 30 days.

Consultation with relevant public authorities under the former s.62 of the EP&A Act was also completed by Council. A total of fourteen (14) submissions were received. No objections were raised with the exception of the RTA and MoTs which required a TMAP to be prepared to the satisfaction of the RTA and submitted to the RTA for review and comment.

Under section 47G of the *Local Government Act 1993*, a Public Hearing regarding this matter also commenced on 6 October 2009 and was facilitated by an independent chairperson. The report on the Public Hearing was made public within 4 days of receipt from the independent chairperson.

Submissions during the exhibition period were received by Council under former s.67 of the EP&A Act included eight (8) submissions. Council considered these submissions to be adequately addressed under the former s.68 of the EP&A Act.

In view of the consultation undertaken for the proposed amendment to *Auburn Local Environmental Plan 2000*, no further consultation is considered necessary as the proposed instrument is in like terms to draft *Auburn Local Environmental Plan 2000 (Amendment No 22)*.

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**ATTACHMENT A – MAPS (see separate attachment)**

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## ATTACHMENT B – Assessment against relevant SEPPs.

Table 1 identifies the SEPPs that apply to the Draft LEP.

STATE ENVIRONMENTAL PLANNING POLICIES			
No.	Title	Summary	Application and Response
1	Development Standards	Seeks 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 [proper management of resources; orderly and economic use of land.	The Draft LEP is consistent with this SEPP.
22	Shops and commercial premises	Seeks to permit change of use from commercial premises to commercial premises, and shop to shop even if the change is prohibited by another EPI, provided only minor effect and consent is obtained from relevant authorities.	The Draft LEP is consistent with this SEPP.
55	Remediation of Land	Provides a State-wide planning approach for the remediation of contaminated land.	The Draft LEP is consistent with this SEPP.
60	Exempt and Complying Development	Seeks to provide for exempt and complying development in certain local government areas that have not provided for those types of development through a local environmental plan.	The Draft LEP is consistent with this SEPP.
	(Exempt and Complying Development Codes) 2008	Seeks to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application, such as the NSW housing code, housing alterations code and General Industrial and Commercial code etc.	The Draft LEP is consistent with this SEPP.

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STATE ENVIRONMENTAL PLANNING POLICIES			
No.	Title	Summary	Application and Response
	<b>(Housing for Seniors or People with a Disability) 2004</b>	Seeks to encourage the provision of housing to meet the needs of seniors or people with a disability.	<p>As the 4(c) Industrial Enterprise zone that applies to the Parramatta Road Retail Precinct permits multiple dwellings, and the definition under Auburn LEP 2000 for multiple dwellings includes residential flat buildings, this SEPP Applies to Draft Auburn LEP 2000 (Amendment No.22).</p> <p>However, the provisions within the Draft LEP – i.e. introduction of retail premises and office premises uses to a defined section of Parramatta Road and the rezoning and reclassification of Council owned land – do not have any implication to the effect of the SEPP (Housing for Seniors or People with a Disability) 2004.</p>

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**Table 2** - Summary of application of State Environmental Planning Policies (SEPPs). Note: This table was produced in mid July 2009 at the time the s.64 report on the Draft LEP was submitted to the Department of Planning and formed the basis of the Draft LEP assessment.

No.	Title	Summary	Application
1	<b>Development Standards</b>	Seeks 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 [proper management of resources; orderly and economic use of land].	Applies to State, except parts of Wollongong.
4	<b>Development without Consent and Miscellaneous Exempt and Complying Development</b>	Seeks to: <ul style="list-style-type: none"> <li>• permit development for purpose of minor environmental significance undertaken for public utilities or certain land under the National Parks &amp; Wildlife Act.</li> <li>• regulate specified complying development throughout the State [conversion of fire alarms];</li> <li>• allow nominated exempt development throughout the State [filming, satellite TV dishes]</li> </ul>	Applies to State.*
6	<b>Number of Storeys in a Building</b>	Seeks to: <ul style="list-style-type: none"> <li>• remove confusion arising from the interpretation of provisions in EPs controlling the height of buildings;</li> <li>• facilitate conformity to topography of land;</li> <li>• modify the meaning of storey, floor and level; and</li> <li>• exclude roof where used as an uncovered garden terrace or deck.</li> </ul>	Applies to the State.
10	<b>Retention of Low - Cost Rental Accommodation</b>	Seeks to provide a mechanism for the retention of low cost rental accommodation.	Applies to the Auburn LGA [boarding houses, hostels and RFBs containing low cost dwellings as defined by the policy].
14	<b>Coastal Wetlands</b>	Seeks to ensure the State's coastal wetlands are preserved and protected.	Does not apply to Auburn LGA. 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 Land sharing Communities</b>	Seeks to facilitate the development of rural land sharing communities committed to environmentally sensitive and sustainable land use practices.	Does not apply to Auburn LGA.

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No.	Title	Summary	Application
19	<b>Bushland in Urban Areas</b>	Seeks to protect bushland within urban areas.	Applies to the Auburn LGA.
21	<b>Caravan Parks</b>	Seeks 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.	Applies to the State. Does not apply to land to which SEPP (Western Sydney Parklands) applies.
22	<b>Shops and Commercial Premises</b>	Seeks to permit change of use from commercial premises to commercial premises, and shop to shop even if the change is prohibited by another EPI, provided only minor effect and consent is obtained from relevant authorities.	Applies to State, excluding specified land under Parramatta LEP and Penrith LEP
26	<b>Littoral Rainforests</b>	Seeks to protect littoral rainforests from development.	Does not apply to Auburn LGA
29	<b>Western Sydney Recreation Area</b>	Western Sydney Recreation Area is near Prospect Reservoir.	Does not apply to Auburn LGA
30	<b>Intensive Agriculture</b>	Requires development consent and additional requirements for cattle feedlots and piggeries.	Applies to the State except for specified operations and land to which SEPP (Western Sydney Parklands) applies.
32	<b>Urban Consolidation</b>	Seeks to facilitate surplus urban land redevelopment for multi unit housing and related development, in a timely manner.	Applies to all land, except Western Sydney Parklands under that SEPP
33	<b>Hazardous and Offensive Development</b>	Seeks to provide additional support and requirements for hazardous and offensive development	Applies to the State.
36	<b>Manufactured Home Estates</b>	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	Applies to land outside the Sydney Region.
39	<b>Spit Island Bird Habitat</b>	Seeks to enable development for the purposes of creating and protecting bird habitat.	Applies to land comprising Spit Island, Towra Point and Kurnell
41	<b>Casino Entertainment Complex</b>	Seeks to further the development of Sydney area as a world class tourist destination	Applies to the City of Sydney.
44	<b>Koala Habitat Protection</b>	Seeks to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	Does not apply to the Auburn LGA.
47	<b>Moore Park Showground</b>	Seeks to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	Does not apply to the Auburn LGA
50	<b>Canal Estate Development</b>	Prohibits canal estate development	Applies to the State, except Penrith Lakes.

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No.	Title	Summary	Application
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.	Applies to nominated irrigation and water supply districts in NSW.
53	<b>Metropolitan Residential Development</b>	Seeks to broaden the choice and standards of housing provision in metropolitan areas.	Applies only to the Ku-ring-gai LGA.
55	<b>Remediation of Land</b>	Provides a State-wide planning approach for the remediation of contaminated land.	Applies to the State
59	<b>Central Western Sydney Economic and Employment Area</b>	Seeks to co-ordinate the planning and development of the land to which the SEPP applies	Applies to land within the Blacktown, Fairfield and Holroyd LGAs.
60	<b>Exempt and Complying Development</b>	Seeks to provide for exempt development and complying development in certain local government areas that have not provided for those types of development through a local environmental plan	Applies to and within the Auburn LGA to which SREP 24 applies (Homebush Bay)
62	<b>Sustainable Aquaculture</b>	Seeks to encourage and regulate sustainable aquaculture.	Applies to sustainable aquaculture development.
64	<b>Advertising and Signage</b>	Seeks to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Applies to the State except land to which SEPP (Kosciuszko National Park – Alpine Resorts) and SEPP (Western Sydney Parklands) applies.
65	<b>Design Quality of Residential Flat Development</b>	Seeks to improve the design qualities of residential flat building development in New South Wales.	Applies to the whole of the State, excluding Kosciusko.
70	<b>Affordable Housing (Revised Schemes)</b>	Seeks to insert affordable housing provisions into EPIs for land within Ultimo/Pymont Precinct; within the City of Willoughby, at Green Square and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	Applies to land within the Greater Metropolitan Region.
71	<b>Coastal Protection</b>	Seeks to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	Applies to land within the coastal zone, as per maps of SEPP. Does not apply to Auburn LGA.
	<b>(Building Sustainability Index: BASIX) 2004</b>	Regulates a scheme to encourage sustainable residential development. Achieves this aim by overriding provisions of other EPIs and DCPs that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme	Applies to State
	<b>(Exempt and Complying Development Codes) 2008</b>	Seeks to provide streamlined assessment process for development that complies with specified development standards.	Applies to the State, except land within Kosciuszko National Park, Warringah LEP 2000 and Western Sydney Parklands SEPP.

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No.	Title	Summary	Application
	<b>(Housing for Seniors or People with a Disability) 2004</b>	Seeks to encourage the provision of housing to meet the needs of seniors or people with a disability.	Applies to land within NSW that is zones primarily for urban purposes or adjoins this land per additional conditions specified in the SEPP.
	<b>(Infrastructure) 2007</b>	Seeks to facilitate effective delivery of infrastructure across the State. Provides additional requirements for DAs, regulating disposal or surplus State owned land and improving the provision of infrastructure and services. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	Applies to the State
	<b>Kosciuszko National Park – Alpine Resorts 2007</b>	Seeks to protect and enhance the natural environment of the alpine resorts area.	Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	<b>(Major Projects) 2005</b>	Accompanies Part 3A of the Act. Seeks to: <ul style="list-style-type: none"> <li>• Identify development to which Part 3A of the Act applies</li> <li>• Identify critical infrastructure projects under Part 3A</li> <li>• Protect important urban, coastal and regional sites</li> <li>• Regulate development of major sites for a public purpose</li> <li>• Clarify provisions making the Minister the approval authority</li> <li>• Defines critical development by classes or specific sites.</li> </ul>	Applies to the State
	<b>(Mining, Petroleum Production and Extractive Industries) 2007</b>	Seeks to regulate the proper management and development of extractive material resources in the interests of the State.	Applies to the State.
	<b>(Rural Lands) 2008</b>	Seeks to facilitate development of rural lands for rural and related purposes.	Does not apply to the Auburn LGA.
	<b>(Sydney Region Growth Centres) 2006</b>	Seeks to co-ordinate the release of land for development in the North West and South West Growth Centres.	Applies to nominated sites of the North West Growth Centre (Rouse Hill) and the South West Growth Centre (Leppington). Accompanies Metro Strategy.
	<b>(Temporary Structures) 2007</b>	Seeks to regulate the development and use of temporary structures and places of public entertainment.	Applies to the State.
	<b>(Western Sydney Parklands) 2009</b>	Seeks to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	Applies to land within the Blacktown, Fairfield and Holroyd LGAs.

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**Table 2** - Summary of application of Sydney Regional Environmental Plans (SREPs). Note: This table was produced in mid July 2009 at the time the s.64 report on the Draft LEP was submitted to the Department of Planning and formed the basis of the Draft LEP 22 assessment.

No.	Title	Summary	Application
5	<b>Chatswood Town Centre</b>	Seeks to facilitate development of land within the Chatswood Town Centre.	Applies to Chatswood Town Centre.
6	<b>Gosford Coastal Areas</b>	Seeks to provide for development of land within the Erina-Terrigal area.	Applies to land within Gosford LGA.
7	<b>Multi unit housing – Government Surplus Sites</b>	Seeks to implement the State's urban consolidation policy	Does not apply to the Auburn LGA. Applies as stated in the policy.
8	<b>Central Coast Plateau</b>	Seeks to implement the state's urban consolidation policy.	Applies to nominated land in the NSW Central Coast.
9	<b>Extractive industry</b>	Seeks to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	Applies to Baulkham Hills, Blacktown, Camden, Campbelltown, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Liverpool, Parramatta, Penrith, Sutherland Shire, Warringah, Wollondilly, and Wyong.
10	<b>Blue Mountains Regional Open Space</b>	Seeks to set aside land of regional significance for acquisition by State government.	Applies to land within the Blue Mountains.
11	<b>Penrith Lakes</b>	Seeks to permit implementation of the Penrith Lakes Scheme	Applies to the Penrith Lakes area
13	<b>Mulgoa Valley</b>	Seeks to regulate the development of the Mulgoa Valley.	Applies to land within the City of Penrith.
14	<b>Eastern Beaches</b>	Seeks to regulate the significance of the eastern beaches coastline of Sydney.	Applies to the Woollahra and Randwick LGAs.
16	<b>Walsh Bay</b>	Seeks to regulate the use and development of the Walsh Bay area.	Applies to land within the City of Sydney and within Sydney Harbour.
17	<b>Kernell Peninsula</b>	Seeks to conserve the natural environment of the Kurnell Peninsula	Applies to land within the Shire of Sutherland.
18	<b>Public transport corridors</b>	Seeks to protect provision for future public transport facilities.	Applies to the Fairfield, Parramatta, Holroyd and Baulkham Hills LGAs.
19	<b>Rouse Hill Development Area</b>	Seeks to provide for the orderly and economic development of the RHDA.	Applies to area defined by policy. Note: Rouse Hill in The Hills and Blacktown LGAs.
20	<b>Hawkesbury Nepean</b>	Seeks to protect the Hawkesbury-Nepean River System.	Applies to certain LGAs within Greater Metropolitan Region. Does not apply to Auburn GLA.
21	<b>Warringah Urban Release Area</b>	Seeks to regulate the increase of residential land for the Sydney Housing Market.	Applies to land affected by the Warringah LEP.
24	<b>Homebush Bay Area</b>	Seeks to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area	Applies to Auburn LGA – land known some parts of former Homebush Bay suburb and Newington.
25	<b>Orchard Hills</b>	Seeks to protect the prime agricultural land of Orchard Hills.	Applies to land within the City of Penrith

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26	City West	Seeks to promote the orderly and economic use and development of land within City West	Applies to land shown as City West area (Pymont and Ultimo)
27	Wollondilly Regional Open Space System	Seeks to protect land of regional significance for acquisition by the State government.	Applies to land shown by policy map in Wollondilly Shire.
28	Parramatta	Seeks to establish regional planning aims for the Parramatta Primary Centre	Applies to land known as Parramatta Primary Centre (within Parramatta City Council and City of Holroyd).
29	Rhodes Peninsula	Seeks to protect and regulate development on the Rhodes Peninsula	Applies to land known as the Rhodes Peninsula (City of Canada Bay)
30	St Marys	Seeks to support the redevelopment of St Marys by providing a framework for sustainable development.	Applies to specified land within the Blacktown and Penrith LGAs
33	Cooks Cove	Seeks to regulate development of the Cooks Cove site	Applies to land specified as Cooks Cove in the suburb of Arncliffe (Rockdale LGA).
	(Sydney Harbour Catchment) 2005	Seeks to ensure the catchment, foreshores, waterways and islands of Sydney Harbour are recognized, protected, enhanced and maintained.	Applies to all land identified on Sydney Harbour Catchment Map.

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## ATTACHMENT C – Assessment against West Central Subregional Draft Subregional Strategy.

### A1 Provide suitable commercial sites and employment lands in strategic areas

NO.	ACTION	RESPONSE
A.1.2	Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands	The introduction of the <b>retail premises</b> and <b>office premises</b> uses to a section of land zoned 4(c) Industrial Enterprise increases the opportunities for increased employment capacity within the Parramatta Road corridor.
A.1.9	Facilitate the use of old industrial areas	The Draft LEP seeks to achieve this by introducing <b>retail premises</b> and <b>office premises</b> uses to a section of land zoned 4(c) Industrial Enterprise.
WC A 1.9.1	Local councils to explore opportunities to revitalise existing Employment Lands and implement planning controls which encourage revitalisation through preparation of their Principal LEPs by 2009.	The objective of Draft LEP 22 is to achieve exactly this purpose – to revitalise a part of Parramatta Road (that is identified as employment lands) through the introduction of planning controls that increase the permissibility of land uses. Once gazetted, Draft LEP 22 and the controls applying to the Parramatta Road Retail Precinct under Draft Industrial Areas DCP (Amendment No.1) will be incorporated into Council's principal LEP, DALEP 2009.

### A3 Improve opportunities and access to jobs for disadvantaged communities

NO.	ACTION	RESPONSE
A3.3	Encourage emerging businesses	The introduction of the <b>retail premises</b> and <b>office premises</b> uses to a section of land zoned 4(c) Industrial Enterprise increases the opportunities for emerging business within a section of the Parramatta Road corridor.
WC A3.3.1	Local government to investigate ways to ensure sufficient zoned land to enable the provision of comparatively local cost premises for start-up businesses	By introducing <b>retail premises</b> and <b>office premises</b> uses to a section of land zoned 4(c) Industrial Enterprise, this expands the range start-up businesses within a section of the Parramatta Road corridor.

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### Centres and Corridors

#### B1 Provide places and locations for all types of economic activity and employment across the Sydney region

NO.	ACTION	RESPONSE
<b>B1.1</b>	Establish a typology of centres	Under Council's principal LEP – DALEP 2009 – a centres typology has been established in accordance with the Metro Strategy and enforced through introduction of appropriate controls to the draft PLEP 2009 and draft ADCP 2009. Further work on the application of Council's centres hierarchy will be undertaken after gazettal of Draft LEP 22.
<b>WC B1.1.1</b>	State agencies and councils to incorporate the established centre typology in their land use and infrastructure planning and Principal LEPs	This has occurred as part of preparation of DALEP 2009.

#### B2 Increase densities in centres whilst improving liveability

NO.	ACTION	RESPONSE
<b>WC B2.1.2</b>	West Central Councils to investigate increasing densities in all centres where access to employment, services and public transport are provided or can be provided	This will be investigated as part of finalisation of DALEP 2009 and future amendments to the principal LEP. The Parramatta Road Retail Precinct will be considered as part of the investigation. Council is waiting for the Department of Planning to release a Guideline on residential development in major road corridors to inform future density analysis.

#### B3 Cluster businesses and knowledge – based activities in strategic centres

NO.	ACTION	RESPONSE
<b>WC B3.2.1</b>	Local councils, in partnership with the Department, to investigate appropriate locations for residential development within centres for their Principal LEPs	Per response to WC B2.1.2 above.
<b>WC B3.2.2</b>	West Central Councils to investigate increasing densities in all centres where access to employment, services and public transport are provided or can be provided	Per response to WC B2.1.2 above.
<b>B3.3</b>	Use government assets and investment to support centres.	The Draft LEP, which proposes an intensified retail and employment precinct on a section of Parramatta Road, is consistent with this action. The Precinct is located in an established corridor in proximity to significant government infrastructure assets.

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### B4 Concentrate activities near public transport

**Note:** The Parramatta Road Retail Precinct is within Strategic Bus Corridor 13 – Parramatta to Burwood; there is a Sydney Metro station mooted for Silverwater, approximately 1km from the centre of the Precinct.

NO.	ACTION	RESPONSE
<b>B4.1</b>	Concentrate retail activity in centres, business development zones and enterprise corridors.	The introduction of the <b>retail premises</b> uses to the 4(c) Industrial Enterprise zone increases the opportunities for supplying commercial office sites.
<b>WC B4.1.1</b>	Local Councils to support centres by concentrating retail activity within Centres, Business Development zones and Enterprise Corridors	The introduction of the <b>office premises</b> uses to a section of land zoned 4(c) Industrial Enterprise increases the opportunities for supplying commercial office sites.
<b>WC B4.1.4</b>	Local councils to investigate appropriate locations for retail uses in centres, business development zones (supporting identified Strategic Centres) and Enterprise Corridors	This is being achieved by way of Draft ALEP 2000 (Amendment No.22).
<b>WC B4.1.6</b>	Department of Planning and local councils to investigate appropriate locations for bulky goods, including potential new business development zones.	This is being achieved by way of Draft ALEP 2000 (Amendment No.22).
<b>B4.2</b>	Support centres with transport infrastructure and services	The establishment of the Parramatta Road Retail Precinct provides a catalyst for the RTA and MoT to commit to a bus network system that better services the Parramatta Road corridor. The Precinct is located within proximity to current and future proposed transport infrastructure and services (West Metro).

### B6 Focus development in renewal corridors to maximise infrastructure use where demand and opportunities exist

NO.	ACTION	RESPONSE
<b>B6.1</b>	Implement the Parramatta to City Corridor Plan.	The establishment of the Parramatta Road Retail Precinct provides a catalyst for the RTA and MoT to commit to implementing the Parramatta To City Corridor Plan.

### B7 Recognise the role of enterprise corridors as locations for local employment

NO.	ACTION	RESPONSE
<b>WC B7.2.3</b>	Department of Planning and councils to explore employment capacity along identified Enterprise Corridors and work with owners to reposition or assemble sites that will enhance their vitality for mixed use development.	The introduction of the <b>retail premises</b> and <b>office premises</b> uses to a section of land zoned 4(c) Industrial Enterprise along Parramatta Road increases employment capacity.

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### Transport

#### D1 Improve transport between Sydney's centres

NO.	ACTION	RESPONSE
<b>D1.1</b>	Extend the rail and bus networks to connect centres	The Draft LEP proposes a retail precinct on Parramatta Road which provides a catalyst for the RTA and MoT to enhance bus and rail networks and connections to centres.
<b>WC D1.1.2</b>	The Ministry of Transport, together with bus operators and local councils, to implement the network of Strategic Bus Corridors	The Parramatta Road Retail Precinct is located within the Parramatta to Burwood (Corridor 13) under the West Central Subregion Draft Subregional Strategy.
<b>WC D1.1.3</b>	The Roads and Traffic Authority, together with the Ministry of Transport and local councils, to implement physical bus priority progressively to target a 25km/average bus speed on each of these corridors	Per response to D1.1 above.
<b>WC D1.1.4</b>	The Roads and Traffic Authority, together with the Public Transport Ticketing Corporation, to implement electronic bus priority systems	Per response to D1.1 above.
<b>WC D1.1.5</b>	The Ministry of Transport, together with bus operators, to implement the new integrated bus service networks for the new contract regions	Per response to D1.1 above.
<b>D1.2</b>	Extend transport networks to serve growth	Per response to D1.1 above.
<b>WC D1.2.1</b>	The Roads and Traffic Authority to continue to coordinate road upgrades in existing urban areas, including bus priority measures to enhance bus services and walking and cycling	Per response to D1.1 above.
<b>WC D1.2.2</b>	The NSW Government to investigate measures to deliver increased public transport capacity cost-effectively, and protect corridors for higher capacity modes in West Central	Per response to D1.1 above.
<b>D1.3</b>	Connect regions and economic gateways within the Greater Metropolitan Region	Per response to D1.1 above.
<b>WC D1.3.1</b>	The Ministry of Transport and Roads and Traffic Authority to investigate all modes within and around the M4 Motorway extension	Per response to D1.1 above.

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### D3 Influence travel choices to encourage more sustainable travel

NO.	ACTION	RESPONSE
D3.1	Improve local and regional walking and cycling networks	The Draft LEP permits new development types within a nominated section of Parramatta Road. Development applications will be subject to developer contributions under Council's Auburn Developer Contributions Plan 2007. Contributions collected under this Plan will be used to fund public domain and transport improvements, including local and regional walking and cycling networks.
WC D3.1.2	The NSW Government and local government to work together to align local walking and cycling networks with public transport routes to improve accessibility to public transport.	Per response to D3.1.

### D4 Improve transport decision making: Planning, evaluation and funding

NO.	ACTION	RESPONSE
D4.1	Improve transport planning	<p>The Draft LEP proposes an intensified retail and employment precinct on Parramatta Road which will act as a catalyst for the RTA and MoT to commit to delivering improved transport planning and services. In response to the s.62 consultation on the Draft LEP, the NSW Roads and Traffic Authority (RTA) stated a requirement for Council to produce a comprehensive Traffic Management and Accessibility Plan (TMAPA) to properly ascertain the cumulative regional traffic impacts associated with creation of the Parramatta Road Retail Precinct. Council must produce the TMAP to the satisfaction of the RTA.</p> <p>Council has progressed preparation of the TMAP through engagement of consultants. Preliminary modelling has been undertaken and a draft report submitted to Council. A</p>

		meeting with the RTA, MoT and Department of Planning is scheduled for December 15 to obtain feedback on the draft report. A final report is anticipated to be submitted to Council by the end of January 2010 (subject to timely input from the RTA and MoT).
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### ATTACHMENT D – Assessment against Draft Centres Policy

Evaluation Criteria	Assessment response
Will the Local Environmental Plan be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes, the Local Environmental Plan seeks to create a local centre (intensified retail and employment precinct) on Parramatta Road, consistent with the key actions of the West Central Subregion Draft Subregional Strategy.
Is the Local Environmental Plan located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?	Yes. The Draft LEP applies to a section of Parramatta Road which is nominated as an Enterprise Corridor in the Metropolitan Strategy and West Central Subregion Draft Subregional Strategy.
Is the Local Environmental Plan likely to create a precedent or create or change the expectations of the landowner of other landholders?	The Draft LEP creates a precedent for retail development within a nominated precinct on Parramatta Road. This will positively change the expectations of landowners and landholders who seek to capitalise on newly permissible development for land to which the Draft LEP applies.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no other spot rezoning proposals to amend Auburn Local Environmental Plan 2000 that are being considered by Council.
Will the Local Environmental Plan facilitate a permanent employment generating activity or result in a loss of employment lands?	The Draft LEP will facilitate the creation of a retail precinct containing permanent employment generating activity and will not result in a loss of employment generating lands.
Will the Local Environmental Plan impact upon the supply of residential land and therefore housing supply and affordability?	No. The Local Environmental Plan does not impact the availability of residential land or housing supply.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The Parramatta Road Retail Precinct is currently serviced by existing public infrastructure (roads, utilities). Relevant studies to determine the increase in demand on this infrastructure as a <u>result of proposed development within the Precinct will be required as part of any development application. Development approval for key sites will be subject to the provision of key infrastructure or the resolution of identified issues. These will also meet the concerns of the RTA.</u>

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Evaluation Criteria	Assessment response
<p>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</p>	<p>Creation of the Parramatta Road Retail Precinct will result in changes to car related travel patterns by customers, employees and suppliers. The full impact and resolution of these changes will be determined through traffic studies required as part of an application for development on any site within the Precinct.</p>
<p>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</p>	<p>Relevant studies to determine the implication to infrastructure as a result of proposed development within the Precinct will be required as part of any development application. Development approval for key sites will be subject to the provision of key infrastructure or the resolution of identified issues.</p>
<p>Will the Local Environmental Plan implement studies and strategic work consistent with State and regional policies and Ministerial (section 117) directions?</p>	<p>Yes.</p>
<p>Will the Local Environmental Plan deal with a deferred matter in an existing Local Environmental Plan?</p>	<p>No.</p>
<p>Will the Local Environmental Plan be compatible/complementary with surrounding land uses?</p>	<p>Yes. The introduction of retail premises and office premises uses to the Parramatta Road Retail Precinct will result in compatible land uses to those surrounding the Precinct, which are predominantly bulky goods, commercial and showroom business on large lots. There are two established bulky goods/outlet centre developments already existing within the Precinct. Development of large scale retail premises as permitted by the Draft LEP will support and enhance these existing developments.</p>

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## ATTACHMENT E – Assessment against S.117 Directions

1. Employment and Resources	Response
1.1 Business and Industrial Zones	<p>In terms of the proposed retail precinct on Parramatta road, the Draft LEP is consistent with this direction because it encourages employment generating uses to the existing 4(c) Industrial Enterprise zone, these being the <b>office premises</b> use and the <b>retail premises</b>. The Draft LEP also maintains the current uses currently permissible within this zone.</p> <p>This direction does not apply to the site at 2 Clyde Street, Silverwater.</p>
1.2 Rural Zones	Does not apply.
1.3 Mining, Petroleum Production and Extractive Industries	Does not apply.
1.4 Oyster Aquaculture	Does not apply.
1.5 Rural Lands	Does not apply.
2. Environment and Heritage	
2.1 Environment Protection Zones	<p>This Direction does not apply to Draft Auburn Local Environmental Plan 2000 (Amendment No. 22) because:</p> <ul style="list-style-type: none"> <li>• the <i>ALEP 2000</i> already includes provisions that protect the environment (refer to Part 2, section 8); and</li> <li>• there are no environmentally sensitive areas within the land affected by the Draft LEP.</li> </ul>
2.2 Coastal Protection	Does not apply.
2.3 Heritage Conservation	<p>The Draft LEP is consistent with this Direction because Auburn LEP 2000 includes provisions that protect heritage items, places, buildings, works, relics, moveable objects or heritage precincts. The Draft LEP does not propose any amendments to this. Note that there are three Heritage Items (under Auburn LEP 2000) within the proposed Parramatta Road retail precinct:</p> <ul style="list-style-type: none"> <li>• the road bridge over Haslams Creek (Parramatta Road at Haslams Creek); and</li> <li>• the stand of <i>eucalyptus longifolia</i> on the western side of the intersection of Hill Road and Parramatta Road; and</li> <li>• the canalisation of Haslams Creek south of Parramatta Road.</li> </ul>
2.4 Recreation Vehicle Areas	Does not apply.

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<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Does not apply.
3.2 Caravan Parks and Manufactured Home Estates	Does not apply.
3.3 Home Occupations	Does not apply.
3.4 Integrating Land Use and Transport	<p><b>The Draft LEP is inconsistent with this direction.</b></p> <p>The NSW Roads and Traffic Authority (RTA) stated an objection to the gazettal of the Draft LEP regarding the Parramatta Road Retail Precinct. Before the RTA will lift its objection to the Draft LEP, the RTA requires Council to provide a comprehensive Traffic Management and Accessibility Plan (TMAP) for the entire Parramatta Road Retail Precinct to properly ascertain the cumulative regional traffic impacts associated with the development (such as traffic and transport infrastructure measures required to support future development; regional and local intersection and road improvements; vehicular access options for adjoining sites; public transport needs; timing and cost of infrastructure works; and the identification of funding responsibilities associated with the development). While the RTA did not object to the exhibition of Draft LEP Amendment No. 22, the RTA will not release its objection to the gazettal of this LEP Amendment until such time that a TMAP is undertaken for the entire Precinct and referred to the RTA for review and comment. Council has commenced the TMAP process.</p>
3.5 Development Near Licensed Aerodromes	Does not apply.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	<p>The land comprising the proposed retail precinct on Parramatta Road contains acid sulphate soils class 2 as identified by the Acid Sulphate Soil Planning Map issued December 2007 by DUAP. Whilst the <i>ALEP 2000</i> does not contain any provisions that assist in the management of land affected by acid sulphate soil, Council's merit assessment process which is part of the development assessment process, ensures that works carried out on land affected by acid sulphate soils is carried out in accordance with the Acid Sulphate Soils Manual.</p> <p>Therefore, the Draft LEP is consistent with this Direction because Council's assessment process includes a mechanism which ensures acid sulphate issues are addressed.</p>
4.2 Mine Subsidence and Unstable Land	Does not apply.

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<b>4. Hazard and Risk</b>	
4.3 Flood Prone Land	<p>Both the proposed retail precinct at Parramatta Road and the site at 2 Clyde Street, Silverwater, are contained within a medium risk flood area. The Draft LEP is consistent with this direction because the ALEP 2000 contain controls that protect land affected by a floodway. These controls, together with Council's Stormwater Development Control Plan, require consideration of the Floodplain Development Manual 2005. Therefore, Council's merit assessment process - which is part of the development assessment process - ensures that works undertaken on land affected by flooding is carried out appropriately.</p> <p>On this basis, the Draft LEP is consistent with this Direction.</p>
4.4 Planning for Bushfire Protection	Does not apply.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Does not apply.
5.2 Sydney Drinking Water Catchments	Does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Does not apply.
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Does not apply.
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Does not apply.
5.8 Second Sydney Airport: Badgerys Creek	Does not apply.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Does not apply.
6.2 Reserving Land for Public Purposes	<p>The Draft LEP is consistent with this Direction. The proposed removal of 6(a) Public Recreation zoning from a Council-owned property is being undertaken to correct a zoning anomaly remnant from gazettal of the Auburn LEP 2000. The 6(a) zone was erroneously retained within a lot that formed part of a site zoned 4(a) General Industrial. Council has resolved to remove the 6(a) zoning from the subject site via the Draft LEP. Consent for the rezoning from the Department of Planning will be obtained via gazettal of the Draft LEP.</p>
6.3 Site Specific Provisions	<p><b>The Draft LEP (Parramatta Road Retail Precinct component) is inconsistent with this direction.</b></p> <p>However, this inconsistency is considered to be of minor significance. The Draft LEP is the first step in bringing about a centre on</p>

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	<p>Parramatta Road which has a strong retail focus.</p> <p>Although currently zoned 4(c) Industrial Enterprise under Auburn LEP 2000, this land is proposed to be zoned B6 Enterprise Corridor under DALEP 2009 (currently on exhibition). The creation of a 'centre' in a B6 Enterprise Corridor is consistent with the Key Directions of the West Central Subregion Draft Subregional Strategy for Economy and Employment, Centres and Transport. The B6 Enterprise Corridor zone has the potential to achieve the objectives of s.117 Direction 3.4, which the West Central Subregion Draft Subregional Strategy gives consideration to. In addition, the Draft LEP is consistent with the Draft Centres Policy and all other requirements for LEPs including SEPPs, SREPs (deemed SEPPs), and Department of Planning Best Practice Guidelines and Practice Notes.</p> <p>Council is supportive of the RTA and MoT's requirement to produce a Traffic Management and Accessibility Plan (TMAP) for the Parramatta Road Retail Precinct.</p> <p>It is on the basis of this information that the inconsistency with this Direction is considered minor.</p>
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