



Planning proposal

Rezoning of land at 4-10 Jenkins Street and 344-356 Park Road, Regents Park from R2 Low Density Residential to IN2 Light Industrial

Prepared by Auburn City Council in response to Council's resolution of 20 October 2010.

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INTRODUCTION

Purpose

The purpose of this planning proposal is to rezone land at 4-10 Jenkins Street and 344-356 Park Road, Regents Park to enable the redevelopment of the land for light industrial purposes in accordance with Council's resolution of 20 October 2010.

Description and current uses of the subject land

There are currently ten single storey residential dwellings situated on the land, as well as the Regents Park Veterans and Community Men's Shed at 356 Park Road. The land is outlined in red in Figure 1 below.

The site features predominantly single storey dwellings with tiled roofs, and a combination of brick and weatherboard exteriors. Most lots are approximately 450m² in size, and the majority of the dwellings front Park Road. A table outlining the current zoning, lot size, land ownership and existing uses for each site has been provided at Appendix A.



Figure 1: Aerial image showing subject land (outlined in red). Source: Bing Maps 31 July 2012.

Land immediately to the south and east of the subject land is used for manufacturing and storage of machinery (e.g. scissor lifts, cherry pickers, aerial work platforms) associated with JLG Industries. A service station and a skip bin hire facility operate on land further to the south. On the opposite side of Park Road is the Regents Park Industrial Estate, which features business such as, freight distributors, sign manufacturers, automotive repairers, and metal merchants.

Current zoning

The subject land is zoned R2 Low Density Residential under the *Auburn LEP 2010*. The current planning controls applying to the site include a maximum building height of 9m, no maximum floor space ratio, and 450m² minimum lot size (maps showing the existing controls have been provided in the Appendices at Map 2(a), 3(a), 4(a) and 5(a)). These controls are the standard controls that are applied to the R2 Low Density zone throughout the LGA.

It should be noted that the Regents Park Veterans and Community Mens Shed at 356 Park Road is currently zoned R2 Low Density Residential and is classified as 'operational'. Therefore the proposed rezoning will not require a public hearing under relevant provisions of the *Local Government Act 1993*.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of the planning proposal is to rezone land at 4-10 Jenkins Street and 344-356 Park Road, Regents Park (see Map 1) to enable the redevelopment of the land for light industrial purposes.

The intention of the planning proposal is to:

- remove the potential for land use conflicts to occur between the existing residential uses on the site and the adjoining industrial and light industrial uses;
- strengthen the Regents Park Industrial Precinct, which is a regionally significant employment land, by providing a clear edge between it and the residential uses to the north; and
- increase the buffer between the residential and industrial uses (Jenkins Street will now serve as the buffer where there is currently no buffer).

This planning proposal was prepared to achieve Council's resolution of 20 October 2010, as follows:

Prepare a planning proposal to amend ALEP 2010 in accordance with the EP&A Act 1979 s54 and Department of Planning guidelines to rezone the properties facing Park Road and bound by Jenkins Road and the railway line to IN2.

PART 2: EXPLANATION OF PROVISIONS

The proposal aims to amend the *Auburn LEP 2010* to rezone land at 4-10 Jenkins Street and 344-356 Park Road, Regents Park from R2 Low Density Residential to IN2 Light Industrial, with development standards consistent with those applied to the IN2 Light Industrial zone throughout the LGA (including the adjoining land).

The intended outcome mentioned above will be achieved by amending the *Auburn LEP 2010* as follows:

- Amend the land zoning map to show that the subject land is zoned IN2 Light Industrial as indicated by Map 2(b)
- Amend the height of buildings map to show that the subject land has no maximum building height as indicated by Map 3(b)
- Amend the floor space ratio map to show that the subject land has a maximum floor space ratio of 1.0:1 as indicated by Map 4(b), and
- Amend the minimum lot size map to show that the subject land has a minimum lot size of 1500m² as indicated by Map 5(b).

A table outlining the existing and proposed development standards, as well as the unique identifier for each map, has been provided in Table 1, over page.

Development standard	Existing	Proposed	Relevant map
Zoning	R2 Low Density Residential see Map 2(a)	IN2 Light Industrial see Map 2(b)	Land zoning map 0200_COM_LZN_003_010_20100914
Height	9m see Map 3(a)	No max. building height see Map 3(b)	Height of buildings map 0200_COM_HOB_003_010_20100903
FSR	No maximum FSR see Map 4(a)	1.0:1 see Map 4(b)	Floor space ratio map 0200_COM_FSR_003_010_20100915
Minimum lot size	450m² see Map 5(a)	1500m² see Map 5(b)	Lot size map 0200_COM_LSZ_003_010_20100914

Table 1: Existing and proposed planning controls under the *Auburn LEP 2010*

PART 3: JUSTIFICATION

Part 3(a): Need for a planning proposal

1. Is the planning proposal the result of any strategic study or report?

The planning proposal is the result of a resolution of Council at its meeting of 12 May 2010. While it does not implement a specific recommendation of a strategic study or report, it is consistent with the general guiding land use principles for employment lands established by the *Auburn Employment Lands Study 2008* (p.75):

- Develop buffer zones of low impact industrial uses (e.g. storage, parking, and landscaped areas) around land zoned industrial to minimise its impact to residential or other sensitive uses.
- Recognise the importance of urban support services (i.e. automotive repairs) and preserve the viability of these uses through the designation of industrial zones within a lower FSR (i.e. 1:1).
- Recognise that industrial lands such as Silverwater, **Regents Park**, Lidcombe East and Lidcombe North are limited resources and that they have regional importance (emphasis added).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcome of the planning proposal is to rezone the land to facilitate light industrial development in response to Council's resolution of 20 October 2010. Applying the IN2 Light Industrial zone and development standards that have been applied to that zone throughout the LGA is the best way of achieving the intended outcome of the Council resolution. There is no alternative method to fulfill this resolution.

3. Is there a net community benefit?

The planning proposal will provide a net benefit to the community by facilitating business and jobs growth within an existing employment precinct that is easily accessible by public transport. Furthermore it will increase the buffer between the residential and industrial uses to minimise land use conflict issues between businesses and residents, consistent with the *Metropolitan Plan for Sydney 2036*, *Draft West Central Subregional Strategy*, and *Auburn Employment Lands Strategy 2008*.

An analysis of the planning proposal against the Net Community Benefits Test from the Draft Centres Policy has been provided at Appendix D.

Part 3(b) Relationship to strategic framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

State government strategic framework

The planning proposal is consistent with both the *Metropolitan Plan for Sydney 2036* ('Metropolitan Plan') and the *Draft West Central Subregional Strategy* (DWCSRS). An analysis of the planning proposal's consistency with these strategies is provided at Table 2 below.

The Metropolitan Plan encourages councils to identify employment land of strategic importance and protect it (see Action E3.2 Identify and retain strategically important employment land). Auburn Council has identified that the Regents Park Industrial Precinct is strategically important (see discussion below concerning the *Auburn Employment Lands Strategy 2008*), and is proposing to protect it from potential land use conflicts through this rezoning proposal.

The *Draft West Central Subregional Strategy* identifies the Regents Park Industrial Precinct as a regionally significant and viable cluster of light manufacturing, freight and logistics uses totaling 82.4ha. The area is classified as Category 1 employment land – land to be retained for industrial purposes (see Table 7, page 44) under the strategy. While this categorisation has not been continued by the government, it highlights the strategic importance of the Regents Park Industrial Precinct and the need to buffer it from potential conflicts with sensitive uses.

Strategy	Action	Consistency
Metropolitan Plan for Sydney 2036	E3.2 Identify and retain strategically important employment lands	The Regents Park Industrial Precinct has been identified as being strategically important by the <i>Auburn Employment Land Strategy 2008</i> and the DWCSRS. The planning proposal will help to retain and strengthen the long term future of the precinct by removing a potential source of land use conflict between the industrial and residential uses.
Draft West Central Subregional Strategy	A2.2 Strengthen industry clusters	The proposal will strengthen the Regents Park Industrial Precinct by facilitating additional jobs within the precinct, creating a larger buffer than currently exists between the residential and industrial uses, and removing a potential source of land use conflict.
Draft West Central Subregional Strategy	A2.2.2. Local Councils to consider opportunities to strengthen existing industry clusters	As outlined above, Council is progressing this planning proposal to strengthen the Regents Park Industrial Precinct. The proposal is consistent with the general guiding land use principles for employment lands in the <i>Auburn Employment Lands Study 2008</i> .

Table 2: Consistency between the planning proposal, the Metropolitan Plan, and the DWCSRS

Auburn Employment Lands Study 2008

The *Auburn Employment Lands Study 2008* reviewed the existing employment land in the LGA in 2008, outlined future demand for industrial land, developed a vision, and produced principles for sustainable business and employment growth across the LGA up to 2031.

The study found that this precinct plays an important role in the subregion by providing sites for broad mix of industry types. It also found that the significant amount of investment in new industrial units in the precinct indicates it is in high demand from businesses (p.121).

The study recommended that:

The site should be retained and protected for a range of general industrial uses... The relationship of the precinct with surrounding residential uses should be carefully protected and the encroachment of alternative uses actively avoided. (p.121)

Land to the south of the site

Land to the south of the site zoned IN2 Light Industrial was not included in the *Auburn Employment Lands Study 2008*. The likely reason is that the land was zoned for special uses under the Auburn LEP 2000 when the study was prepared, and was consequently overlooked. That land was rezoned to IN2 Light Industrial when the *Auburn LEP 2010* was made, two years after the study was finalised.

However, it should be noted that the land south of the site zoned IN2 Light Industrial:

- adjoins the Regents Park Industrial Precinct immediately to its east, separated only by Park Road, and
- features a range of light industrial uses which support and compliment the Regents Park Industrial Precinct.

Given the above, Council contends that the land south of the site zoned IN2 Light Industrial is inextricably linked to the Regents Park Industrial Precinct. As such the strategic direction for the Regents Park Industrial Precinct established by the Metropolitan Plan, DWCSRS and *Auburn Employment Lands Study 2008* should also be applied to that land.

The purpose of discussing this issue is to highlight that the land to which this planning proposal applies is enclosed on three sides by employment land that is of strategic importance. The existence of residential uses in such close proximity to the Regents Park Industrial Precinct is awkward, and threatens to cause land use conflict issues with the nearby businesses. The planning proposal aims to address this by rezoning the land for industrial purposes and increasing the buffer between the precinct and the residential uses to the north of the site consistent with the *Auburn Employment Lands Study 2008* (p.75).

2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The proposal is consistent with the Auburn City Community Strategic Plan 2011-2021, particularly Council's commitment to "facilitate local investment, business growth, local jobs and economic opportunity".

3. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with all applicable state environmental planning policies, as shown in the checklist at Appendix C.

4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with all applicable section 117 directions, as shown in the checklist at Appendix B. However it should be noted that an inconsistency with direction 3.1 *Residential Zones* has been justified by the *Auburn Employment Lands Study 2008* and Council's *Dwelling Target Analysis (March 2009)*. The direction applies because Council is proposing to alter an existing residential zone in a way that will not broaden the choice of building types and locations available in the housing market.

The planning proposal aims to rezone the land from R2 Low Density Residential to IN2 Light Industrial, and it is anticipated that subsequent development proposals for industrial uses will result in the loss of the ten existing dwellings on the site.

However, as outlined above in this part, the proposed rezoning is justified by *Auburn Employment Lands Study 2008* which aims to protect the Regents Park Industrial Precinct from land use conflict with sensitive uses. Furthermore, Council is able to demonstrate that the proposed loss of dwellings will not impact on its ability to meet its dwelling target.

Council's *Dwelling Target Analysis (March 2009)* indicates that Council is able to exceed the dwelling target of 17,000 dwellings by 2,030 dwellings under the existing planning controls. Consequently, a loss of ten dwellings will not jeopardise Council's ability to achieve its dwelling target.

As such, it is considered that the inconsistency with section 117 direction 3.1 *Residential Zones* is justified.

Part 3(c) Economic, environmental and social impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

It is highly unlikely that critical habitat, threatened species, populations or ecological communities (or their habitats) will be affected by the planning proposal. The site has been developed for residential purposes for some time, and is enclosed by industrial land uses on three sides. Vegetation on the site consists of front and rear gardens, maintained grassed areas and street plantings. Consequently it is not proposed that any environmental studies be undertaken to support this planning proposal.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Rezoning the land from R2 Low Density Residential to IN2 Light Industrial will permit a range of industrial uses which may be more hazardous to the environment than the uses currently permitted on the site. However, any future development applications on the site will be required to demonstrate to Council how any environmental impacts will be managed.

In addition:

- The site is not within the flood planning area identified under the *Auburn LEP 2010*, and
- The land is situated on Class 5 acid sulfate soils. Any development proposals on the land will need to comply with clause 6.1 of the *Auburn LEP 2010* relating to acid sulfate soils.

3. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is not anticipated to result in any negative social effects. There are no items of heritage significance on or within close proximity to the site. Council has not made a commitment to sell the land on which the Regents Park Veterans and Community Men's Shed is situated.

The planning proposal is expected to deliver economic benefits to the Auburn community by facilitating employment growth on the site and supporting existing jobs within the Regents Park Industrial Precinct.

Part 3(d) State and Commonwealth interests

1. Is there adequate public infrastructure for the planning proposal?

As the subject land has previously been developed for residential purposes, adequate public infrastructure already exists to support the proposed rezoning. The majority of the site is within 800m of the Regents Park Railway Station, and the existing road network is able to accommodate additional traffic (noting that the Amy Street Bridge to the south of the site is being upgraded to an acceptable level of service).

2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Consultation will be undertaken with relevant state government agencies in accordance with the gateway determination. The proposed consultation with state agencies is discussed further in Part 4 of this planning proposal. Due to the local nature of the planning proposal, consultation with Commonwealth agencies is not proposed.

PART 4: COMMUNITY CONSULTATION

The planning proposal is considered to be 'routine' for the purposes of community consultation, and accordingly it is proposed that the planning proposal be exhibited for 28 days.

Exhibition of the planning proposal will be communicated:

- in the local newspaper (the Auburn Review)
- on Auburn Council's website (under *Home > Develop > Planning Proposals*), and
- in writing to land owners within the notification area shown on Map 6 (discussion below).

The notification area map (see Map 6) was first used for consultation with land owners regarding an application for a planning proposal lodged with Council in May. (NB. Council has a policy to consult the community prior to considering applicant-lodged requests for planning proposals). That application applied to the same land as this planning proposal, as well as some additional land to the south of the site. To be consistent, Council is proposing consultation with land owners within the same area.

Copies of the planning proposal will also be made available for viewing at the Regents Park Library and at the Auburn City Council Customer Service Centre.

It is proposed that consultation be undertaken with Roads and Maritime Services in respect of potential traffic impacts and RailCorp due to the proximity of the railway line and state owned land to the east of the site.

Appendix A: Description of properties subject to the planning proposal

Property/lot description	Lot and DP	Lot size (m²)	Ownership	Zoning	Existing uses
4 Jenkins Street	Lot 1 DP 20202	471	Private individual	R2 Low Density Residential	Singe storey residential dwelling
6 Jenkins Street	Lot 2 DP 20202	446	Private individual	R2 Low Density Residential	Singe storey residential dwelling
8 Jenkins Street	Lot 3 DP 20202	446	Private individual	R2 Low Density Residential	Singe storey residential dwelling
10 Jenkins Street	Lot 4 DP 20202	446	Private individual	R2 Low Density Residential	Singe storey residential dwelling
344 Park Road	Lot 5 DP 20202	602	Company	R2 Low Density Residential	Singe storey residential dwelling
346 Park Road	Lot 6 DP 20202	411	Company	R2 Low Density Residential	Singe storey residential dwelling
348 Park Road	Lot 7 DP 20202	455	Company	R2 Low Density Residential	Singe storey residential dwelling
350 Park Road	Lot 1 DP 365565	544	Private individual	R2 Low Density Residential	Singe storey residential dwelling
352 Park Road	Lot 2 DP 365565	493	Private individual	R2 Low Density Residential	Singe storey residential dwelling
354 Park Road	Lot 3 DP 365565	506	Private individual	R2 Low Density Residential	Singe storey residential dwelling
356 Park Road	Lot 4 DP 365565	803	Auburn Council (Classified 'operational')	R2 Low Density Residential	Regents Park Veterans and Community Men's Shed

Appendix B: Section 117 direction checklist

Direction	Objectives	Application	Consistency
1. Employment and Resources			
1.1 Business and Industrial Zones Issued 1 July 2009	- To encourage employment growth in suitable locations - To protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Applies when a planning proposal is prepared that affects land within an existing or proposed business or industrial zone (includes alteration of boundary of any existing business or industrial zone)	Consistent The planning proposal does not alter any existing or proposed business or industrial zones.
1.2 Rural Zones Issued 1 July 2009	To protect the agricultural production value of rural land.	Applies when a planning proposal is prepared that affects land within an existing or proposal rural zone (includes alteration of any existing rural zone boundary)	Consistent Applies to the Auburn LGA, however there are no rural zones in the <i>Auburn LEP 2010</i> .
1.3 Mining, Petroleum Production and Extractive Industries Issued 1 July 2009	To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Applies when planning proposal is prepared that would prohibit or restrict the mining or potential development of coal, other minerals, petroleum production or obtaining extractive minerals of State or regional significance permitting incompatible land use.	Consistent The planning proposal does not prohibit or restrict the potential development of resources for mining.
1.4 Oyster Aquaculture Issued 1 July 2009	To protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	Applies to Priority Oyster Aquaculture Areas as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006)	Does not apply to the Auburn LGA.

Direction	Objectives	Application	Consistency
1.5 Rural Lands Issued 1 July 2009	To protect the agricultural production value of rural land and facilitate the orderly and economic development of rural land.	Applies to all planning proposals to which State Environmental Planning Policy (Rural Lands) 2008 applies	Does not apply to the Auburn LGA.
2. Environment and Heritage			
2.1 Environment Protection Zones Issued 1 July 2009	To protect and conserve environmentally sensitive areas.	Applies when a planning proposal is prepared.	Consistent The planning proposal does not apply to land within an environmental protection zone or land otherwise identified for environmental protection purposes.
2.2 Coastal protection Issued 1 July 2009	To implement the principles of the NSW Coastal Policy.	Applies to the Coastal Zone as defined in the Coastal Protection Act 1979.	Does not apply to the Auburn LGA. (NSW coastline only, does not include inland Sydney Harbour)
2.3 Heritage Conservation Issued 1 July 2009	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Applies when a planning proposal is prepared.	Consistent The planning proposal does not affect any items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance.
2.4 Recreation Vehicle Areas Issued 1 July 2009	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Limits the development of land for the purpose of a recreational vehicle area.	Consistent This planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.

Direction	Objectives	Application	Consistency
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones Issued 1 July 2009	- To encourage a variety and choice of housing types to provide for existing and future housing needs - To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and - To minimise the impact of residential development on the environment and resource lands.	Applies when a planning proposal affects land within an existing or proposed residential zone (including the alteration of any existing zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.	Inconsistency justified by the <i>Auburn Employment Lands Strategy 2008</i>. This planning proposal aims to rezone residential land for industrial purposes. This would remove the permissibility of dwelling houses and other residential uses on the subject land. However, as outlined in part 3(b) of the planning proposal, the proposed rezoning is consistent with the Metropolitan Plan and Draft WCSRS, and is justified by the Auburn ELS 2008. Council's Dwelling Target Analysis (March 2009) indicates that Council is able to exceed the dwelling target of 17,000 dwellings by 2,030 dwellings under the existing planning controls. Consequently, a loss of ten dwellings will not jeopardise Council's ability to achieve its dwelling target.
3.2 Caravan Parks and Manufactured Home Estates Issued 1 July 2009	To provide for a variety of housing types and opportunities for caravan parks and manufactured home estates	Applies when a planning proposal is prepared. Does not apply to Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989 (except Crown land reserved for accommodation)	Consistent The planning proposal does not change the permissibility of caravan parks on the subject land.

Direction	Objectives	Application	Consistency
		purposes) or land dedicated or reserved under the NP&W Act 1974.	
3.3 Home Occupations Issued 1 July 2009	To encourage the carrying out of low-impact small businesses in dwelling houses.	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	Consistent Dwelling houses would not be permissible on the subject land if the planning proposal proceeds.
3.4 Integrating Land Use and Transport Issued 1 July 2009	To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts: • improve access to housing, jobs and services by walking, cycling and public transport, • increase transport choice and reduce travel demand and reducing dependence on cars, • reduce travel demand including distances travelled, especially by car, • support the efficient and viable operation of public transport services, and • provide for the efficient movement of freight.	Applies to planning proposals that create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Consistent The planning proposal improves access to jobs by allowing for light industrial growth within close proximity to the Regents Park Railway Station.
3.5 Development Near Licensed Aerodromes Issued 1 July 2009	• To ensure the effective and safe operation of aerodromes • To ensure that the operation of aerodromes is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying	Applies to a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	Consistent Subject land is not in the vicinity of a licensed aerodrome.

Direction	Objectives	Application	Consistency
	in the vicinity. To ensure development for residential purposes or human occupation incorporates appropriate mitigation measures		
3.6 Shooting Ranges Issued 16 February 2011	To maintain appropriate levels of public safety and amenity and reduce land use conflict when rezoning land adjacent to an existing shooting range,	Applies to a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	Consistent The planning proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
4. Hazard and Risk			
4.1 Acid Sulfate Soils Issued 1 July 2009	To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Applies to planning proposal on land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.	Consistent The subject land is subject to Class 5 acid sulfate soils according to the <i>Auburn LEP 2010</i> . The planning proposal does not aim to intensify land uses on the site.
4.2 Mine Subsidence and Unstable Land Issued 1 July 2009	To prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Applies to planning proposal on land within a mine subsidence district or that has been identified as unstable in a study, strategy or other assessment	Does not apply The subject land is not within a mine subsidence district and has not been identified as being unstable by a study, strategy or other assessment.
4.3 Flood Prone Land Issued 1 July 2009	To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and	Applies to a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Consistent The planning proposal does not create, remove or alter a zone or a provision that affects flood prone land.

Direction	Objectives	Application	Consistency
	To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.		
4.4 Planning for Bushfire Protection Issued 1 July 2009	To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.	Applies to all local government areas required to prepare a bush fire prone land map under section 146 of the EP&A Act.	Consistent The subject land is not in close proximity to bush fire prone land.
5. Regional planning			
5.1 Implementation of Regional Strategies Issued 1 July 2009	To give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Applies to: Far North Coast, Lower Hunter, Illawarra, South Coast, Sydney–Canberra Corridor, Central Coast and Mid North Coast	Does not apply to the Auburn LGA.
5.2 Sydney Drinking Water Catchments Issued 3 March 2011	To protect water quality in the Sydney drinking water catchment.	Applies to: Blue Mountains, Campbelltown, Cooma Monaro, Eurobodalla, Goulburn, Mulwaree, Kiama, Lithgow, Oberon, Palerang, Shoalhaven, Sutherland, Wingecarribee, Wollondilly, Wollongong.	Does not apply to the Auburn LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast Issued 1 July 2009	To protect, provide certainty and reduce land use conflict associated with agricultural land	Applies to: Ballina, Byron Shire Council, Kyogle, Lismore City Council, Richmond and Tweed.	Does not apply to the Auburn LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	To manage commercial and retail development along the Pacific Highway	Applies to council areas on the North Coast that the Pacific Highway traverses between Port Stephens	Does not apply to the Auburn LGA.

Direction	Objectives	Application	Consistency
Issued 29 November 2009		Shire Council and Tweed Shire Council, inclusive.	
5.8 Second Sydney Airport: Badgerys Creek Issued 1 July 2009	To avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	Applies to land shown within the boundaries of the proposed Badgerys Creek airport site	Does not apply to the Auburn LGA.
6. Local Plan Making			
6.1 Approval and Referral Requirements Issued 1 July 2009	To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Applies when planning proposal prepared. A planning proposal must minimise or prohibit provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority or the nomination of designated development.	Consistent The planning proposal does not propose changes to the current concurrence and referral arrangements under the <i>Auburn LEP 2010</i> .
6.2 Reserving of Land for Public Purposes Issued 1 July 2009	To facilitate the provision of public services and facilities by reserving land for public purposes and the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Applies when a planning proposal is prepared. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority.	Consistent The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions Issued 1 July 2009	To discourage unnecessarily restrictive site specific planning controls.	A planning proposal to amend an environmental planning instrument must either: - allow that land use to be carried out in the zone the land is situated on, or - rezone the site to an existing zone that allows that land use without imposing any development standards, or	Consistent The planning proposal does not allow a particular development proposal to be carried out.

Direction	Objectives	Application	Consistency
		allow that land use on the relevant land without imposing any development standards in addition to those already contained in the principal environmental planning instrument being amended.	
7. Metropolitan planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036 Issued 1 February 2011	To give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	Applies to the Auburn local government area.	Consistent The planning proposal aims to rezone land to protect employment land identified as being strategically significant by the Auburn Employment Lands Strategy 2008. This is consistent with Action E3.2 <i>identify and retain strategically important employment lands</i> of the Metropolitan Plan for Sydney 2036.

Appendix C: SEPPs and REPs checklist

No.	Title	Summary	Consistency
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.	Does not apply to Auburn LGA. SEPP repealed by ALEP 2010 (clause 1.9)
4	Development without Consent and Miscellaneous Exempt and Complying Development	Aims to permit development for a purpose which is of minor environmental significance, development for certain purposes by public utility undertakings and development on certain land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> without the necessity for development consent. Also regulates complying development for conversion of fire alarms.	Consistent The <i>Auburn LEP 2010</i> permits works of minor environmental significance etc without requiring consent to be obtained. Clause 6 and Parts 3 and 4 do not apply - repealed by <i>Auburn LEP 2010</i> (clause 1.9).
6	Number of Storeys in a Building	Seeks to remove confusion arising from the interpretation of provisions in EPIs controlling the height of buildings	Consistent Principle development standards within ALEP 2010 are consistent with this SEPP.
14	Coastal Wetlands	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	Rural Landsharing Communities	Seeks to facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices.	Does not apply to Auburn LGA.
19	Bushland in Urban Areas	Seeks to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or	Does not apply to this planning proposal The planning proposal does not affect land reserved or dedicated under the NP&W Act 1974, land within a State

No.	Title	Summary	Consistency
		reserved for public open space.	forest, flora or timber reserve under the Forestry Act 1916, or land to which the SEPP (Western Sydney Parklands) 2009 applies.
21	Caravan Parks	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.	Consistent The planning proposal does not change the permissibility of caravan parks on the subject land.
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.	Consistent The planning proposal does not change the permissibility of a change of use for commercial premises or shops.
26	Littoral Rainforests	Seeks to protect littoral rainforests from development.	Does not apply to Auburn LGA
29	Western Sydney Recreation Area	To enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area	Does not apply to Auburn LGA Applies to land within Western Sydney Parklands - Eastern Creek, Prospect, Horsley Park and Hoxton Park
30	Intensive Agriculture	Requires development consent and additional requirements for cattle feedlots and piggeries.	Consistent The planning proposal does not aim to change the permissibility of agricultural land uses mentioned in the SEPP.
32	Urban Consolidation	Seeks to facilitate surplus urban land redevelopment for multi unit housing and related development in a timely manner.	Consistent Council has considered whether the subject land is required for urban development. The proposed rezoning would effectively remove 10 dwellings from Council's dwelling stock. However Council's Dwelling Target Analysis (March

No.	Title	Summary	Consistency
			2009) indicates that Council is able to exceed the dwelling target of 17,000 dwellings by 2,030 dwellings under the existing planning controls. Consequently, a loss of 10 dwellings will not jeopardise Council's ability to achieve its dwelling target.
33	Hazardous and Offensive Development	Seeks to provide additional support and requirements for hazardous and offensive development	Consistent The planning proposal does not facilitate hazardous development.
36	Manufactured Home Estates	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	Does not apply to Auburn LGA. Applies to land outside the Sydney Region.
39	Spit Island Bird Habitat	Seeks to enable development for the purposes of creating and protecting bird habitat.	Does not apply to Auburn LGA. Applies to land comprising Spit Island, Towra Point and Kurnell.
41	Casino Entertainment Complex	Seeks to further the development of Sydney area as a world class tourist destination	Does not apply to the Auburn LGA. Applies to the City of Sydney.
44	Koala Habitat Protection	Seeks to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	Does not apply to the Auburn LGA. Auburn LGA not listed in Schedule 1.
47	Moore Park Showground	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	Canal Estate Development	Prohibits canal estate development	Consistent The planning proposal will not permit canal estate development.

No.	Title	Summary	Consistency
52	Farm Dams and other works in land management areas	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.	Does not apply to the Auburn LGA
55	Remediation of Land	Provides a Statewide planning approach for the remediation of contaminated land.	Consistent As the subject land is currently used for residential purposes, it is unlikely to be contaminated.
59	Central Western Sydney Regional Open Space and Residential	To provide for residential development on suitable land as identified in the Policy to assist in accommodating the projected population growth of Western Sydney	Does not apply to the Auburn LGA Applies to land identified as Regional Open Space Zone and Residential Zone within the Western Sydney Parklands.
60	Exempt and Complying Development	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	Does not apply to the Auburn LGA
62	Sustainable Aquaculture	Seeks to encourage and regulate sustainable aquaculture development	Consistent The <i>Auburn LEP 2010</i> is consistent with the SEPP. This planning proposal does not aim to change the permissibility of aquaculture in any zone.
64	Advertising and Signage	Seeks to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Consistent The <i>Auburn LEP 2010</i> is consistent with the SEPP. This planning proposal does not aim to change to controls relating to signage.

No.	Title	Summary	Consistency
65	Design Quality of Residential Flat Development	Seeks to improve the design qualities of residential flat building development in New South Wales.	Does not apply to this planning proposal This planning proposal would not facilitate the development of residential development.
70	Affordable Housing (Revised Schemes)	Seeks to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	Consistent The <i>Auburn LEP 2010</i> is consistent with the SEPP.
71	Coastal Protection	Seeks to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	Does not apply to Auburn LGA. The coastal zone does not extend to Auburn LGA.
	Affordable Rental Housing	To provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Consistent The planning proposal does not apply to affordable housing as defined by the SEPP.
	Building Sustainability Index: BASIX 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State	Consistent BASIX will be considered in more detail at the development assessment stage when applications are lodged.
	Exempt and Complying Development Codes 2008	Seeks to provide streamlined assessment process for development that complies with specified development standards.	Consistent The planning proposal does not change the provisions of the exempt and complying development within the <i>Auburn LEP 2010</i> .
	Housing for Seniors or People with a Disability 2004	Seeks to encourage the provision of housing to meet the needs of seniors or people with a disability.	Consistent This planning proposal does not change the permissibility of seniors housing on the subject land under the <i>Auburn LEP 2010</i> .
	Infrastructure 2007	The aim of this policy is to facilitate the effective	Consistent

No.	Title	Summary	Consistency
		delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	This <i>Auburn LEP 2010</i> is consistent with the SEPP, and this planning proposal will not change the permissibility of infrastructure uses within the zones.
	Kosciuszko National Park – Alpine Resorts 2007	Seeks to protect and enhance the natural environment of the alpine resorts area.	Does not apply to Auburn LGA. Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	Kurnell Peninsula 1989		Does not apply to Auburn LGA. Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.
	Major Development 2005	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.	Consistent The subject land has not been declared a state significant site.
	Mining, Petroleum and Extractive Industries 2007	Seeks to provide for the proper management and development of mineral, petroleum and extractive material resources	Consistent The planning proposal will not change the permissibility of extractive industries on the subject land.
	Rural Lands 2008	Seeks to facilitate the orderly and economic use and development of rural lands for rural and related purposes	Does not apply to the Auburn LGA.
	SEPP 53 Transitional Provisions 2011	Aim is to enact transitional provisions consequent on the repeal of State Environmental Planning Policy No 53—Metropolitan Residential	Does not apply to the Auburn LGA. Applies to land within the Ku-ring-gai local government

No.	Title	Summary	Consistency
		Development.	area.
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Consistent There have been no declarations of development for state significant development or infrastructure on the subject land.
	Sydney Drinking Water Catchment 2011	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	Does not apply to the Auburn LGA Applies to land within the Sydney drinking water catchment.
	Sydney Region Growth Centres 2006	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	Does not apply to Auburn LGA. Auburn is not within the Growth Centres.
	Temporary Structures and Places of Public Entertainment	To encourage protection of the environment at the location/vicinity of temporary structures by managing noise, parking and traffic impacts and ensuring heritage protection	Consistent This planning proposal does not change the permissibility of temporary structures and places of public entertainment.
	State Environmental Planning Policy (Urban Renewal) 2010	To facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	Does not apply to Auburn LGA. Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	To promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	Does not apply to Auburn LGA. Auburn LGA is not within the subject land.
	Western Sydney Parklands	Seeks to ensure the Western Sydney Parkland can be developed as urban parkland to serve the	Does not apply to the Auburn LGA. Applies to land within the Blacktown, Fairfield and

No.	Title	Summary	Consistency
		Western Sydney Region.	Holroyd LGAs (Quakers Hill to West Hoxton)

Appendix D: Net community benefit test

Evaluation Criteria	Assessment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes, the planning proposal is consistent with both the <i>Metropolitan Plan for Sydney 2036</i> and the <i>Draft West Central Subregional Strategy</i>, in particular the following actions: <u>Metropolitan Plan for Sydney 2036</u> • E3.2 Identify and retain strategically important employment lands <u>Draft West Central Subregional Strategy</u> • A2.2 Strengthen industry clusters • A2.2.2. Local Councils to consider opportunities to strengthen existing industry clusters The planning proposal will facilitate the development of the subject land for light industrial uses, which will assist in the retention of strategically important employment lands (i.e. the Regents Park Industrial Precinct). It will remove a potential source of land use conflict within the industrial precinct and establish a larger buffer between industrial and residential uses than currently exists.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The planning proposal applies to land at Regents Park, which is classified as a Small Village under the <i>Draft West Central Subregional Strategy</i> . However that categorisation is no longer used following the release of the <i>Metropolitan Plan for Sydney 2036</i> , so the centre is now classified as a Village.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The planning proposal is unlikely to create a precedent, because its context is unique. The subject land features low quality single story dwellings that are enclosed on three sides by land zoned for industrial uses.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There have been no recent spot rezonings within close proximity to the site.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The planning proposal will facilitate permanent employment generating activity on the subject land. It will not result in the loss of employment land.

Evaluation Criteria	Assessment
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability? 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 proposed rezoning would effectively remove 10 dwellings from Council's dwelling stock. However, Council's Dwelling Target Analysis (prepared in March 2009 to support the <i>Auburn LEP 2010</i>) indicates that Council is able to exceed the dwelling target of 17,000 dwellings by 2,030 dwellings under the existing planning controls. Consequently, a loss of 10 dwellings will not jeopardise Council's ability to achieve its dwelling target. The existing road network is able to accommodate additional traffic, noting that the Amy Street Bridge to the south of the site is being upgraded to an acceptable level of service. Furthermore any development applications for the land will be required to show, to the satisfaction of Council, that it will not have an unacceptable impact upon the existing traffic network. The site is within 800m of the Regents Park Railway Station, and therefore has good access to public transport.
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?	The planning proposal will facilitate light industrial uses within close proximity to the Regents Park Railway Station, which will provide transport alternatives for customers and employees. As the planning proposal has not been prepared to facilitate a particular development proposal, the exact types of uses that will be developed (and their associated supply impacts) are not known. However, development proposals for light industrial uses will benefit from supply/freight efficiency as the land is within an established industrial area that is close to public transport.
Are there significant government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The NSW Government has invested in the Regents Park Railway Station and the connecting railway network. The planning proposal will further justify this expenditure by providing jobs within close proximity to the station.
Will the proposal impact on land that the government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The planning proposal will not impact upon land that the government has identified a need to protect. The environmental impacts of particular proposals will be assessed at the development application stage. The site is not within the flood planning area established under the <i>Auburn LEP 2010</i>.

Evaluation Criteria	Assessment
Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposed zoning of the site (IN2 Light Industrial) is consistent with the surrounding area. The subject land is enclosed on three sides by land zoned for industrial purposes under the <i>Auburn LEP 2010</i>. Land to the south and west of the site is zoned IN2 Light Industrial, and land to the west, on the opposite side of Park Road, is zoned IN1 General Industrial. Given that industrial uses have a strong presence in this locality, and that the quality of the existing dwellings on the site is poor, the planning proposal would not result in a major change to the amenity of the area. Properties on the northern side of Jenkins Street would be closer to light industrial uses, however it is noted that the properties face away from the subject land, and Jenkins Road would assist in buffering any amenity impacts.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal would allow for the expansion of light industrial businesses in Regents Park, which would strengthen the Regents Park Industrial Precinct consistent with the <i>Metropolitan Plan for Sydney 2036</i> and the <i>Draft West Central Subregional Strategy</i> .
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposal facilitates light industrial development in an area that is already developed for industrial purposes. The Regents Park Industrial Precinct is unlikely to develop into a centre in the future without changes to government policy.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will strengthen the Regents Park Industrial Precinct by transitioning uses on the site from residential to industrial to facilitate more businesses and jobs within the precinct. Furthermore it will increase the buffer between the residential and industrial uses to minimise land use conflict issues, consistent with State and local policies. Not proceeding with the planning proposal will retain a potential source of land use conflict for the Regents Park Industrial Precinct, which is a regionally significant source of employment land.

Source: Evaluation criteria taken from the [*Draft Centres Policy – Planning for Retail and Commercial Development – Consultation Draft, April 2009*](#).