

Rezoning of 33-43 Cumberland Road, Auburn from RE1 (Public Recreation) to R2 Low Density Residential

Proposal Title :	Rezoning of 33-43 Cumberland Road, Auburn from RE1 (Public Recreation) to R2 Low Density Residential		
Proposal Summary :	A proposal to rezone the abovementioned lands from RE1 (Public Recreation) to R2 Low Density Residential under Auburn LEP 2010, to correct a zoning anomaly.		
PP Number :	PP_2012_AUBUR_003_00	Dop File No :	12/15328

Proposal Details

Date Planning Proposal Received :	06-Sep-2012	LGA covered :	Auburn
Region :	Sydney Region West	RPA :	Auburn Council
State Electorate :	AUBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Cumberland Road		
Suburb :	Auburn	City :	Auburn
		Postcode :	2144
Land Parcel :	Lot B DP313467, Lot A DP313467, Lot 5 DP1428, Lot 4 DP1428, Lot 1 DP1055519 and Lot 1 DP1428		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The planning proposal aims at rectifying a planning anomaly for lands at 33-43 Cumberland Road, Auburn which are currently zoned public recreation. The lands have always been used for residential purposes and are intended by Council to so remain for the future.

The planning proposal is supported in order to designate an appropriate residential zone reflecting its current use, in the Auburn Local Environmental Plan 2010. The lands have a history of zoning which did not reflect their use for residential purposes. Details of past zonings are explained under Assessment Criteria.

To the best of the regional team's knowledge, there have been no meetings or communications with lobbyists regarding this planning proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

3.1 Residential Zones

3.3 Home Occupations

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

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4.1 Acid Sulfate Soils
6.1 Approval and Referral Requirements
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building
SEPP No 19—Bushland in Urban Areas
SEPP No 55—Remediation of Land
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Temporary Structures and Places of Public Entertainment) 2007

e) List any other matters that need to be considered : **Nil**

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **There are no inconsistencies.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A comprehensive community consultation engagement strategy will be prepared by Council that would include advertisement in a local newspaper, letter notification to affected landholders and surrounding landholders, advertisement on Council's website and exhibition at Council owned public premises eg. libraries and any other appropriate consultation methods.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The principal Auburn Local Environmental Plan (ALEP 2010) was made on 29 October 2010. This planning proposal seeks to amend the ALEP 2010.**

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Assessment Criteria

Need for planning proposal :

The repealed Auburn Planning Scheme Ordinance 1970 zoned the subject lands as 3(c) Neighbourhood Business.

In 2000, when the then Auburn LEP (ALEP 2000) was made the subject lands were zoned 6(a) Public Recreation. In 2003, Council sought to rezone the subject lands to a commercial zone (3(a) Business (Retail and Office Development) zone) in an amendment to the now repealed Auburn LEP 2000. No reasons were given for the change in zoning at the time.

During the preparation of the Comprehensive Auburn LEP 2010, the appropriateness and application of the commercial zone was queried by Council.

As a result of a detailed planning investigation, the R2 Low Density Residential was applied to the subject land and the draft Auburn LEP 2010 was exhibited with this zone.

However, subsequent legal advice recommended returning the rollover RE1 Public Recreation zone under ALEP 2010 before the plan proceeds to the former section 68 stage, for reasons associated with the statutory process because the preparation of the Auburn LEP 2010 was based on a rollover methodology.

The legal advice recommended that Council recommence the planning proposal process for the subject land after the formal notification of the Auburn LEP 2010 (notified on 29 October 2010) to correct the long standing planning anomaly.

Following consideration of legal advice, Council at its meeting of 15 August 2012 resolved to prepare this planning proposal to rectify the zoning anomaly.

The planning proposal seeks to re-instate the R2 Low Density Residential zone and correct the subject maps of the Auburn LEP 2010 as resolved above (refer 2nd resolution) and forward it to Department of Planning & Infrastructure.

The 'operational land' status of the subject land did not change when the zoning anomaly occurred originally. As such a public hearing under clause 29 of the Local Government Act 1993 is not required.

The planning proposal is the best means of achieving the objectives for the subject lands as there is no other way the rezoning could be effected.

Consistency with strategic planning framework :

The planning proposal is not inconsistent with State and Regional strategic directions for development in the area eg. the Sydney Metropolitan Plan and the draft West Central Regional Strategy.

The subject lands referred to in the planning proposal are located approximately 700 metres from Auburn railway station and within the north western fringes of the Auburn Town Centre.

The planning proposal is consistent with the Sydney Metropolitan Plan 2036's Action B1.3 - Aim to locate 80 per cent of all new housing within the walking catchments of existing planned and Major Centres of all sizes".

The planning proposal is consistent with the draft West Central Subregional Strategy Action C2.1 - Focus residential development around Centres, Town centres, Villages and Neighbourhood Centres.

Environmental social economic impacts :

There are no known environmental effects as a result of the planning proposal. Whilst detailed assessment of the social and economic effects has not been undertaken, it is not anticipated that there will be any significant effects in this regard.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council s signed s.55 letter toDP&I - forwarding PP for 33 - 43 C.pdf	Proposal Covering Letter	No
Planning Proposal for 33-43CUMBERLAND RD, Auburn - (20 AUG 2012 VE.pdf	Proposal	No
Council Meeting Minutes of 15 Aug 2012.pdf	Proposal	No
Council Meeting Report (15 August2012) 33-43 Cumberland Road, Aub_1.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
6.1 Approval and Referral Requirements
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

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1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made available for 28 days; and
- (b) the relevant planning authority must comply with notice requirements for public exhibition of planning proposals and the specifications for material that must be available along with planning proposals as identified in section 4.5 of the Department of Planning "A guide to preparing local environmental plans" July 2009.

2. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.

3. A public hearing under clause 56(2)(e) of the EP&A Act is not required. However this does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

4. The timeframe for completing the LEP is 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The community consultation process is necessary to inform the affected land owners and surrounding residents as well as the local community of the change in zoning to residential. This change will reflect the current use of the lands and correct the long standing anomaly created by the then transition from the old Auburn Planning Scheme 1970 to the now defunct Auburn LEP 2000.

The planning proposal will rectify the zoning anomaly which was considered but not implemented at the finalisation of the Auburn Local Environmental Plan 2010 due to the statutory process of rollover methodology and the need to comply with the timeframe for the ALEP 2010.

Signature:

R. Cumming

Printed Name:

Rachel Cumming

Date:

20/9/2012