

Planning Proposal

33 - 43 Cumberland Road, Auburn



Introduction

- Part 1 -** A statement of the **Objectives or Intended Outcomes** of the proposed LEP
- Part 2 -** An **Explanation of the Provisions** that are to be included in the proposed LEP
- Part 3 -** The **Justification** for those objectives, outcomes and provisions and the process for their implementation
- Part 4 -** Details of the **Community Consultation** that is to be undertaken on the planning proposal

Introduction

This Planning Proposal applies to land at 33, 35, 37, 39, 41 and 43 Cumberland Road, Auburn also known as Lot B DP 313467, Lot A DP 313467, Lot 5 DP 1428, Lot 4 DP 1428, Lot 1 DP 1055519 and Lot 1 DP 1428 respectively. For the purposes of this report, the land is referred to herein as “the subject land”.

Figure 1 below shows the current land zoning of the subject land under the *Auburn Local Environmental Plan 2010* (*Auburn LEP 2010*).

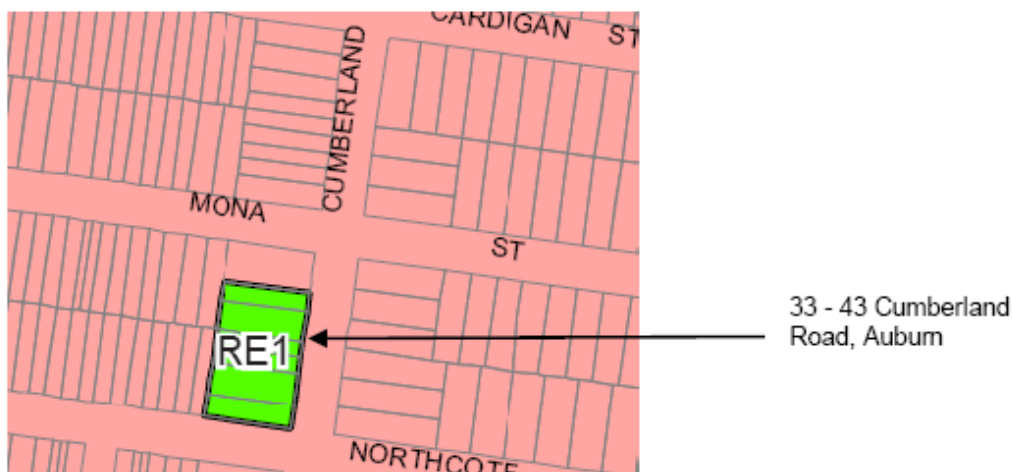


Figure 1: The subject land

Historical context

In 2003, Council sought to rezone the subject land to a commercial zone in an amendment to the now repealed *Auburn LEP 2000*.

During the preparation of the comprehensive *Auburn LEP 2010*, the appropriateness of the commercial zone was queried. As a result of a detailed investigation, the R2 Low Density Residential was applied and the draft *Auburn LEP 2010* was exhibited with this zone. However, subsequent legal advice recommended returning the rollover RE1 Public Recreation zone before the plan proceeds to the former section 68 stage, for reasons associated with the statutory process.

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

Council reported the planning proposal for the subject land to rezone the land from RE1 Public Recreation zone to R2 Low Density Residential zone to amend the *Auburn Local Environmental Plan 2010* to Council meeting of 19 October 2011 (Item 284/11). This Council meeting resolved

“that further consideration of the matter be deferred until such time as the General Manager can obtain legal advice on the matter”.

Following above, Council obtained legal advice and reported the legal advice summary outcomes and the planning proposal for 33 - 43 Cumberland Road, Auburn to Council's meeting of 15 August 2012 (Item 166/12), which resolved:

- "1. That Council receive and note the legal advice obtained by the General Manager.*
- 2. That Council resolve to forward the attached Planning Proposal for 33 - 43 Cumberland Road, Auburn to the Department of Planning and Infrastructure pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 to amend the Auburn Local Environmental Plan 2010 as follows:*
 - (a) Rezone the land from RE1 Public Recreation zone to R2 Low Density Residential zone;*
 - (b) Amend the Minimum Lot Size Map to apply the minimum lot size notation of 450m²;*
 - (c) Amend the Height of Buildings Map to apply the 9m Maximum building height notation;*
 - (d) Amend the land Reservation Acquisition Map to remove the yellow highlight 'Local open space (REI)' notation ''.*

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.

Part 1 - Objectives or Intended Outcomes

The objective of the Planning Proposal is to provide an appropriate zoning and associated development standards which are consistent with existing land uses and the surrounding area as well as Council's strategic vision.

Part 2 - Explanation of Provisions

This Planning Proposal seeks to amend the *Auburn LEP 2010* as per Tables 1 - 4 below.

- Amend the Land Zoning Map (LZN) Map (Tile LZN_002) as per Table 1:

Table 1 – LZN Map changes

<i>Current (ALEP 2010)</i>	<i>Proposed amendment</i>
RE1 (Public Recreation) Zone	R2 Low Density Residential zone

- Amend the Maximum Height of Buildings (HOB) Map (Tile HOB_002) as per Table 2:

Table 2 – HOB Map changes

<i>Current (ALEP 2010)</i>	<i>Proposed amendment</i>
Shown uncolored	9 metres

- Amend the Minimum Lot Size Map (LSZ) (Tile LSZ_002) as per Table 3:

Table 3 – LSZ Map changes

<i>Current (ALEP 2010)</i>	<i>Proposed amendment</i>
Shown uncolored	450 square metres

- Amend the Land Reserved for Acquisition (ACQ) Map (Tile ACQ_002) as per Table 4:

Table 4 – LRA Map changes

<i>Current (ALEP 2010)</i>	<i>Proposed amendment</i>
Shown Yellow and notated 'Local open space (RE1)'	Show uncoloured

The proposed maximum Height of Buildings and Minimum Lot Size controls are consistent with the Standard development standards Council applies to the R2 (Low Density Residential zone) throughout the Auburn Local Government Area.

Part 3 - Justification

A Need for the planning proposal

A1 Is the planning proposal a result of any strategic study or report?

No. This Planning Proposal seeks to fix an outstanding anomaly in *Auburn LEP 2010*.

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

Yes. The Planning Proposal is the best means of achieving the objectives for the subject land as there is no other way this could be achieved.

A2 Is there a net community benefit?

It is intended the Planning Proposal would deliver the following community benefits:

- deliver a zoning and development standards for the subject land to reflect its existing uses;
- deliver a policy position which is consistent with local plans such as Council's Open Space Strategy, Delivery Program 2011/12-2014/15 and Asset Management Plan 2011- 2021 and Land Acquisition Program;
- deliver a policy position which is consistent with state directions;
- provide certainty to the land holders of the land; and
- remove the unnecessary burden on Council to acquire land which is incorrectly identified for public open space needs.

The Table 5 below addresses the evaluation criteria for conducting a net community benefit test within the Draft Centres Policy (2009) as required by the Department's guidelines.

Table 5 - Consistency with Net Community Benefit Evaluation Criteria

Evaluation Criteria	Comment
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 800m of a transit node)?	The subject Planning Proposal is not inconsistent with agreed State and Regional strategic directions for development in the area. Ex: The <i>Sydney Metropolitan Plan 2036</i> and <i>West Central Draft Sub Regional Strategy</i>. The subject lands proposed by the Planning Proposal is located approximately 700m from the Auburn Railway Station (transit node) and is located within the north western fringes of the Auburn Town Centre. The Planning Proposal is consistent with the <i>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"</i>(Department of Planning 2010, p.59) and The Planning Proposal is consistent with the <i>West Central Subregion Draft Subregional Strategy (WCDSS) Action C2.1 Focus residential development around Centres, Town Centres, Villages and Neighbourhood Centres"</i> (Department of Planning 2007, p.88).
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	No. However, the LEP is located within the Auburn Town Centre as per the Department's 'Local Centres' hierarchy stipulated under the <i>Metropolitan Plan for Sydney 2036</i> and <i>WCDSS</i>.

Evaluation Criteria	Comment
Is the LEP likely to create a precedent or create or change the expectations of the landowners or other landholders?	No. However maintenance of the RE1 Public Recreation zone may cause landowners to approach Council to acquire the land under the requirements of <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .
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 rezonings in the locality that are being considered.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N/A.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The PP seeks to apply the R2 Low Density Residential zone over land which currently contains detached dwelling development. Density increases are possible by way of dual occupancies or secondary dwellings development in the proposed R2 zone.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposal site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes. The PP will not create any additional demand for public infrastructure. The subject land proposed by the PP is currently serviced by Veolia bus route 908 only. The subject land is located within a reasonable 25 to 30 minute walking distance from the Auburn Railway Station (transit node) and the lands are constrained by access to bus transport services relative to other areas of Auburn.
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?	No change is anticipated.
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	No.
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?	There are no known land issues pertaining to the land.
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 Planning Proposal introduces the R2 Low Density Residential zone which is the predominant surrounding zone and reflects the surrounding land zone.
Will the proposal increase choice and Competition by increasing the number of retail and commercial premises operating in the area?	Not applicable.

Evaluation Criteria	Comment
If a stand-alone proposal and not a centre, do the proposal have the potential to develop into a centre in the future?	No. The Planning Proposal has been proposed because the existing zoning does not reflect Council's strategic direction for the subject land nor is it supported by Council's Land Acquisition Program or Council's Delivery Program 2011/12 -2014/15. The Planning Proposal does not have the potential to be developed as a Centre in the future because it is currently located within a local centre.
What are the public interest reasons for preparing the draft plan? What are the Implications of not proceeding at that time?	The Planning Proposal will create certainty to the owners of the subject land and surrounding residents. Should the Planning Proposal not proceed, then the <i>Auburn LEP 2010</i> will imply that council intends to acquire the land for open space purposes.

B Relationship to strategic planning framework

- B1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the *Metropolitan Plan for Sydney 2036* and exhibited draft strategies)?**

Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* (The Metropolitan Plan) is the latest blueprint for Metropolitan Sydney and replaces the *Metropolitan Strategy City of Cities - A Plan for Sydney's Future*.

The rezoning and introduction of development standards is consistent with the actions contained within the Metropolitan Plan. (Specifically Action B1.3)

West Central Subregion Draft Subregional Strategy (WCDSS)

The *West Central Subregion Draft Subregional Strategy* (WCDSS) sets key directions and key actions for the implementation of the Metropolitan Plan (for the year 2031) at a local level. The draft Subregional Strategy sets targets for 17,000 new dwellings and 12,000 new jobs to be provided in Auburn City Council LGA by 2031.

The rezoning and introduction of development standards is consistent with the actions contained within the WCDSS. (Specifically Action C2.1)

- B2 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The Auburn City Community Strategic Plan 2011 - 2021 was adopted by Council in May 2011.

One of the outcomes for that theme is creating "Community assets managed for current and future generations". Through the Our Places theme, the draft PP seeks to achieve outcomes of above by applying a zone that allows to continue and maintain residential housing and Update Council's open space provisions.

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

Table 6 below reviews the consistency with the State Environmental Planning Policies (SEPPs).

Table 6 - Consistency with State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
1	Development Standards	SEPP repealed by <i>Auburn LEP 2010</i>
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Clause 6 and Parts 3 and 4 repealed by <i>Auburn LEP 2010</i> . Consistent with remainder
6	Number of Storeys in a Building	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
14	Coastal Wetlands	Not applicable
15	Rural Land sharing Communities	Not applicable
19	Bushland in Urban Areas	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
21	Caravan Parks	Not applicable
22	Shops and Commercial Premises	Not applicable
26	Littoral Rainforests	Not applicable
29	Western Sydney Recreation Area	Not applicable
30	Intensive Aquaculture	Not applicable
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable
33	Hazardous and Offensive development	Not applicable
36	Manufactured Home Estates	Not applicable
39	Spit Island Bird Habitat	Not applicable
41	Casino Entertainment Complex	Not applicable
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not applicable
50	Canal Estate Development	Not applicable
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
55	Remediation of Land	Not applicable The land is not affected by contamination.
59	Central Western Sydney Regional Open Space and Residential	Not applicable
60	Exempt and Complying Development	Not applicable - SEPP repealed by <i>Auburn LEP 2010</i>
62	Sustainable Aquaculture	Not applicable
64	Advertising and Signage	Not Applicable
65	Design Quality of Residential Flat Development	Not applicable

No.	Title	Consistency with Planning Proposal
70	Affordable Housing (Revised Schemes)	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
71	Coastal Protection	Not applicable
	(Affordable Rental Housing) 2009	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
	(Building Sustainability Index: BASIX) 2004	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
	(Exempt and Complying Development Codes) 2008	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
	(Housing for Seniors or People with a Disability) 2004	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
	(Infrastructure) 2007	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
	(Kosciuszko National park Alpine Resorts) 2007	Not applicable
	(Kurnell Peninsula) 1989	Not applicable
	(Major Development) 2005	Not applicable
	(Mining, petroleum Production and Extractive Industries) 2007	Not applicable
	(Rural Lands) 2008	Not applicable
	SEPP 53 Transitional Provisions	Not applicable
	State and Regional Development 2011	Not applicable
	(Sydney Drinking Water Catchment) 2011	Not applicable
	(Sydney Region Growth Centres) 2006	Not applicable
	SEPP (Temporary Structures and Places of Public Entertainment) 2007	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP
	SEPP (Urban Renewal) 2010	Not applicable
	(Western Sydney Employment Area) 2009	Not applicable
	(Western Sydney Parklands) 2009	Not applicable

See Table 7 below which reviews the consistency with the State Regional Environmental Plans, now deemed SEPPs.

Table 7 - Consistency with deemed State Environmental Planning Policies

No.	Title	Consistency with Planning Proposal
5	(Chatswood Town Centre)	Not applicable
8	(Central Coast Plateau Areas)	Not applicable
No.	Title	Consistency with Planning Proposal
9	Extractive Industry (No.2 – 1995)	Not applicable
11	Penrith Lakes Scheme	Not applicable
16	Walsh Bay	Not applicable
19	Rouse Hill Development Area	Not applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not applicable
24	Homebush Bay Area	Not applicable
25	Orchard Hills	Not applicable
26	City West	Not applicable
28	Parramatta	Not applicable
29	Rhodes Peninsula	Not applicable
30	St Marys	Not applicable
33	Cooks Cove	Not applicable
	(Sydney Harbour Catchment) 2005	Not applicable

B3 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

See Table 8 below reviews the consistency with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

Table 8 - Consistency with applicable s.117 Ministerial Directions

1. Employment and Resources

No.	Title	Consistency with Planning Proposal
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable

2. Environment and Heritage

No.	Title	Consistency with Planning Proposal
2.1	Environmental Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable
2.4	Recreation Vehicle Areas	Not applicable

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal
3.1	Residential Zones	Consistent
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Consistent

3.4	Integrating land use and Transport	Consistent
3.5	Development near Licensed Aerodromes	Not applicable
3.6	Shooting ranges	Not applicable

4. Hazard and Risk

No.	Title	Consistency with Planning Proposal
4.1	Acid Sulfate Soils	Consistent
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable The subject land for rezoning is not affected by flooding.
4.4	Planning for Bushfire Protection	Not applicable

5. Regional Planning

No.	Title	Consistency with Planning Proposal
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development on the vicinity of Ellalong...	(Revoked)
5.6	Sydney to Canberra Corridor	(Revoked)
5.7	Central Coast	(Revoked)
5.8	Second Sydney Airport: Badgerys Creek	Not applicable

6. Local Plan Making

No.	Title	Consistency with Planning Proposal
6.1	Approval and Referral Requirements	Consistent
6.2	Reserving land for Public Purposes	Not applicable The land which is Operational land is not identified for public purposes as an open space asset in Council's Open Space Strategy (1998) or Council's Land Acquisition Program. It is also not supported by Council's Delivery Program 2011-2014, Asset Management Plan 2011 and long term financial model.
6.3	Site Specific Provisions	Not applicable

7. Metropolitan Planning

No.	Title	Consistency with Planning Proposal
7.1	Implementation of the <i>Metropolitan Plan for Sydney 2036</i>	Consistent

C Environmental, social and economic impact

C1 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?

The subject lands and its surroundings do not contain any known critical habitat or threatened species, or populations or ecological communities or their habitats.

C2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no known environmental effects as a result of the planning proposal.

C3 How has the planning proposal adequately addressed any social and economic effects?

Whilst detailed assessment of the social and economic effects has not been undertaken, it is not anticipated that there will be great significant effects in this regard.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the planning proposal?

Yes. The subject land currently functions as Low Density Residential development in accordance with the proposed zone. This Planning Proposal is not anticipated to create an increased demand for public infrastructure.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with appropriate State and Commonwealth public authorities has not yet been undertaken.

Part 4 - Community Consultation

A comprehensive community consultation engagement strategy will be prepared by Council that would include the following mechanisms:

- Advertisement in a local newspaper (i.e. the *Auburn Review*).
- Notification (via letter) to the following land holders:
 - Land owners who are affected by the proposal; and
 - Surrounding land owners if required.
- Advertise the proposal on the Council's website.
- Exhibit the Planning Proposal at the following locations:
 - Council's Customer Services Centre, 1 Susan Street, Auburn,
 - Auburn Library
 - Lidcombe Library
 - Regents Park Library
 - Newington Library
- Undertake any other consultation methods appropriate for the proposal if required.