

Amendment to Strata and Community Title subdivision provisions contained in Auburn Local Environmental Plan 2010.

Proposal Title : **Amendment to Strata and Community Title subdivision provisions contained in Auburn Local Environmental Plan 2010.**

Proposal Summary : **To amend Auburn LEP 2010 to allow the subdivision of Torrens title land into strata and/or community title lots, and to exempt the subdivided lots from clause 4.1.**

PP Number : **PP_2012_AUBUR_004_00** Dop File No : **12/11236**

Planning Team Recommendation

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

S.117 directions : **1.1 Business and Industrial Zones
2.1 Environment Protection Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
4.3 Flood Prone Land**

Additional Information : **Proceed, but without any amendment to clause 4.1.**

Supporting Reasons : **Based on further legal advice provided by the Department's Legal Services Branch on 8 March 2013, following its own review of the clauses and consideration of Council's separate independent legal advices, the planning proposal is recommended to proceed with an amendment to clause 6.6(2) of the Principal LEP. Clause 4.1(4) is not recommended for amendment as the clause already achieves Council's intention to exempt strata and community title subdivision from the minimum lot size in clause 4.1.**

Panel Recommendation

Recommendation Date : **28-Mar-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Council's proposal to amend Cause 4.1(4) is not necessary to achieve Council's intended outcome, to allow strata and community title subdivision to be exempt from the minimum lot size shown on the Lot Size Map. The proposed amendment to Clause 4.1(4) is to be removed from the planning proposal.**
- 2. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").**
- 3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.**
- 4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 5. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.**

**Amendment to Strata and Community Title subdivision provisions contained in Auburn
Local Environmental Plan 2010.**

Signature: _____



Printed Name: _____

Neil McGaffin

Date: _____

8.4.13.