

**Auburn Local Environmental Plan 2010 - Amendment No. 20 - North Auburn - Precinct
Rezoning from R3 to R4**

Proposal Title :	Auburn Local Environmental Plan 2010 - Amendment No. 20 - North Auburn - Precinct Rezoning from R3 to R4		
Proposal Summary :	The planning proposal seeks to rezone the land bounded by Macquarie Road, Simpson Street, St. Hillier's Road and the southern boundary of the B6 enterprise Corridor zoned land (having frontage to Parramatta Road), from R3 Medium Density Residential to: . R4 High Density Residential and to increase: . the Height of Buildings (HoB) control from 9 metres to 18 metres; . the Floor Space Ratio (FSR) control from 0.75:1 to 1.7:1; and . to introduce a 20 metre HoB and 2:1 FSR control for 'corner sites'. The Proposal also seeks to add a new clause to Part 6 - Additional Local Provisions of the Auburn LEP 2010. This new clause identifies the site as a 'key site' (the North Auburn Precinct), for the inclusion of a 2500 square metre park (public open space), and in return provides bonus FSR and HoB provisions to encourage the development of a park within the precinct. The bonus provisions include a maximum 2:1 FSR (additional 0.3:1) and a maximum 25 metre HoB (additional 7 metres). These incentives offer a developer/applicant the opportunity to dedicate a proposed park within the North Auburn Precinct to Council, via a local voluntary planning agreement with Council, at the development application stage.		
PP Number :	PP_2015_AUBUR_001_00	Dop File No :	15/02888

Proposal Details

Date Planning Proposal Received :	09-Mar-2015	LGA covered :	Auburn
Region :	Metro(Parra)	RPA :	Auburn Council
State Electorate :	AUBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Land bounded by Macquarie Road, Simpson Street, St. Hillier's Road and southern boundary of B6 Enterprise Corridor land having frontage to Parramatta Road.		

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DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	547
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :			

Have there been
meetings or
communications with
registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

RECIEPT DATE:
**Further information has been requested. Advice was sought from the department's Legal
Services to ensure the proposed bonus provision can legally be made.**

**Subsequently, an endorsed provision was made available. The matter was further
discussed with council officers and it was agreed that an appropriate provision can be
applied that meets council's intention.**

The receipt date has been altered accordingly.

SUMMARY:

The planning proposal seeks rezone the land bounded by Macquarie Road, Simpson Street, St. Hillier's Road and southern boundary of B6 enterprise Corridor land having frontage to Parramatta Road, from R3 Medium Density Residential to R4 High Density Residential and to increase the Height of Buildings (HoB) control from 9 metres to 18 metres; the Floor Space Ratio (FSR) control from 0.75:1 to 1.7:1; and to introduce a 20 metre HoB and 2:1 FSR control for 'corner sites'.

The planning proposal has the potential to attract redevelopment for higher density housing and to provide housing choice.

The proposal is consistent with the West Central Draft Subregional Strategy and is supported by the regional team (Parramatta).

POLITICAL DONATIONS DISCLOSURE STATEMENT:

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

To the best of the Regional Planning Team's knowledge, the Department has not received any disclosure statements for this Planning Proposal.

External Supporting
Notes :

This is a Council initiated planning proposal.

At its meeting on 15 October 2014 Council resolved to rezone certain land bounded by Macquarie Road, Simpson Street, St. Hillier's Road and southern boundary of B6 Enterprise Corridor (having frontage to Parramatta Road), from R3 Medium Density Residential to R4 High Density Residential to enable more housing opportunities in the North Auburn area.

The effect of the planning proposal, if issued with a Gateway determination to proceed, would enhance opportunities for redevelopment of an area already developed up to 70 per cent with "walk up flats" into higher density residential apartments, and provides for development of a public open space of 2500 sq.m for passive recreation within the precinct.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment :

The objectives of the planning proposal are to:

1. To introduce planning controls that reflect the site's existing and surrounding land uses, built form and character;
2. To revitalise the North Auburn area;
3. To encourage new high density residential development; and
4. To encourage the development of a 2,500 sq.m park with bonus development incentives (height of buildings and floor space ratios) as part of

redevelopment of the area.

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

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions is adequate. However, the planning proposal includes a draft clause to implement the proposed bonus provision.

Confirmation has been obtained that such a provision can legally be made. A suitable similar provision has been endorsed by Parliamentary Counsel for another local government area and discussed with Auburn Council officers. These officers have endorsed this provision - subject to legal drafting to suit Auburn Local Environmental Plan 2010.

The Planning Proposal clearly indicates Council's intention to introduce this provision and it is considered it is not necessary to include exact wording at this time - in view of foreshadowed legal drafting. Consequently, it is recommended that reference to the clause be removed from the planning proposal (see page 16 of the proposal).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 21—Caravan Parks

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

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 (Major Projects) 2005

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

State Environmental Planning Policy No 55 - Remediation of Land

It is noted that the planning proposal addresses the Policy, as follows:

'The site to which the Planning Proposal is currently used for residential purposes. Any subsequent DAs on the site would need to address any contamination issues at that stage.'

Comment: Given the circumstances, it is agreed that the intent of the policy can be adequately addressed in this manner.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Section 117 Direction: 4.1 Acid Sulfate Soils

The subject land is affected by Class 5 Acid Sulfate Soils. However, as the land is currently zoned for residential purposes, any inconsistency with Section 117 Direction 4.1 Acid Sulfate Soils is considered to be of minor significance and the delegate's

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approval is sought to allow the proposal to proceed on this basis.

Section 117 Direction: 6.3 Site Specific Provisions

The proposal seeks to introduce a bonus provision, which provides for higher FSR/height controls subject to the dedication of land for open space purposes. Technically, this may not be in keeping with the section 117 direction.

Given the nature of the proposed provision i.e. it does not impose a requirement in addition to those contained in the principle planning instrument being amended, but provides an 'offer'- it is considered that any technical inconsistency is of a minor nature and the delegate's approval is sought to allow the proposal to proceed on this basis.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Draft maps showing the proposed zoning, height of buildings and floor space ratio have been provided and are considered to be adequate for exhibition/consultation purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a community consultation period of 28 days. During exhibition of the planning proposal the community will be invited to make written submissions.**

This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

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 :

Auburn Local Environmental Plan 2010 was notified on 29 October 2010.

This planning proposal seeks to amend Auburn Local Environmental Plan 2010, and will be known as Auburn Local Environmental Plan 2010 Amendment No. 20, if issued with a Gateway determination to proceed.

Assessment Criteria

Need for planning
proposal :

The planning proposal is the only means of achieving Council's intention of providing increased housing density, as well as meeting housing demand at a location in close proximity to Auburn Railway Station, bus stops and shopping facilities.

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Consistency with
strategic planning
framework :

The Planning Proposal has addressed the Metropolitan Plan for Sydney 2036 which has been superseded by the recently published Plan for Growing Sydney (December 2014) and the Draft West Central Subregional Strategy.

The planning proposal is consistent with Action 2.1.1 of the Plan for Growing Sydney which aims at accelerating housing supply and local housing choices.

The planning proposal is not the result of a strategic study or report. The planning proposal results from a Council resolution (made on 15 October 2014) to amend the principal development controls of the site.

The resolution included bonus Floor Space Ratio and Height of Building controls for the site which aim to encourage the development of a 2500 sq.m public park within the site through a voluntary planning agreement with a prospective proponent.

The proposal clearly indicates Council's intention to rezone any such land to a RE1 Public recreation zone under Auburn Local Environmental Plan 2010 and reclassify the land from operational to community land, under a separate planning proposal.

The planning proposal is also consistent with the Draft West Central Subregional Strategy Actions B2.1 and C2.1, as follows:

- . Action B2.1 encourages councils to investigate increasing densities in all centres where access to employment, services and public transport are provided or can be provided.

Comment: The proposed R4 zoning will increase residential densities close to Auburn Shopping Centre and railway station.

- . Action C2.1 encourages councils to focus residential development around centres, town centres, villages and neighbourhood centres.

Comment: The proposed R4 zoning will increase residential densities close to Auburn Town Centre.

Environmental social
economic impacts :

ENVIRONMENT

As the subject land is highly urbanised there are no critical habitat or threatened species, populations or ecological communities that will be adversely affected by the planning proposal. The site is not located within a critical habitat or threatened species, populations and ecological communities and would not result in adverse impact on such communities.

There are no likely environmental effects as a result of the planning proposal. All potential impacts may be addressed through the relevant planning controls.

SOCIAL AND ECONOMIC

As far as social and economic impacts are concerned, the planning proposal seeks to revitalise and create opportunities for redevelopment of an older residential area located in proximity to the Auburn Town Centre.

The provision of additional higher density residential housing and a park would confer social benefits for the community in the longer term.

The planning proposal may also create positive economic impacts in terms of initially creating employment/construction opportunities.

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Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Department of Education and Communities
Energy Australia
Transport for NSW
Fire and Rescue NSW
NSW Police Force
Transport for NSW - Roads and Maritime Services
Sydney Water**

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. :

Other - provide details below

If Other, provide reasons :

As the planning proposal seeks to rezone the site from R3 Medium Density Residential to R4 High Density Residential, supplementary traffic advice for consultation purposes is recommended.

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 cover letter.pdf	Proposal Covering Letter	No
PLANNING PROPOSAL.pdf	Proposal	No
Auburn RDS_Draft Report_October 28 2014.pdf	Study	No

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones
3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **It is recommended that the planning proposal proceeds subject to the following**

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conditions:

1. Prior to exhibition/consultation, Council is to:

- (a) review Council's draft Auburn LGA Traffic and Transport Study (2013 - Hyder Consulting Pty Ltd) and provide supplementary advice supporting the contention that the proposal is unlikely to generate significant traffic or transport impacts. This supplementary advice is to form part of the exhibition material; and
- (b) remove all the words commencing with 'Clause to amend Part 6 - Additional Local Provisions' to '....should the Planning Proposal proceed after s. 56 Gateway Determination' (see page 16 of the planning proposal).

2. Council is to amend the relative section of the Auburn Development Control Plan 2010 to address the planning proposal and place this draft amendment on exhibition with the planning proposal.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, 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.

4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act:

- NSW Department of Education and Communities;
- NSW Police Service;
- Housing NSW;
- Transport for NSW (including Railcorp);
- Energy Australia;
- Sydney Water;
- Fire and Rescue NSW;
- Roads and Maritime Service.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment 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).

6. The time frame for completing the LEP is 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The regional team supports the planning proposal - in principle, as it will promote revitalisation and allow greater residential densities in an appropriate location, taking advantage of the site's proximity to the Auburn Railway Station, bus stops, and the Auburn Town Centre.

The planning proposal also provides a development bonus to encourage the development and dedication of a 2500 sq.m public park. Public open space land in this location would provide for existing and future residents.

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Signature:



Printed Name:

T DERAN

Date:

11/3/15