

DRAFT PLANNING PROPOSAL

to amend *Auburn Local Environmental Plan 2010*

Auburn Local Environmental Plan 2010 (Amendment No 2)

DATE: 17 August 2011

This Planning Proposal is made under s.55 of the *Environmental Planning and Assessment Act 1979* (the “**Act**”) to explain the intended effect of the proposed instrument and to set out the justification for the making of the proposed instrument.

The Act requires the following matters to be considered:

The objectives or intended outcomes of the proposed instrument: (s.55(2)(a))

The objectives are:

- a) To allow the continuation of the permissibility of ‘bulky goods premises’ in the B6 Enterprise Corridor zone in Auburn local government area as per *Auburn LEP 2010* prior to the *Standard Instrument (LEPs) Amendment Order 2011* (the Amendment Order) coming into effect.
- b) To prohibit ‘warehouse and distribution centres’ in the R2, R3, R4 and RE2 zones as per *Auburn LEP 2010* prior to the *Standard Instrument (LEPs) Amendment Order 2011* (the Amendment Order) coming into effect.
- c) To allow the zone objectives in the B6 Enterprise Corridor zone to be consistent with Direction 2 of this zone and to reflect the land use tables.

Explanation of the provisions that are to be included in the proposed instrument: (s.55(2)(b))

1. Insert ‘bulky goods premises’ into *Item 3 Permitted with consent*, in the land use table for the B6 zone.
2. Insert ‘warehouse and distribution centres’ into *Item 4 Prohibited*, in the land use tables for the R2, R3, R4 and RE2 zones.
3. Delete the objective: “To provide for residential uses, but only as part of a mixed use development”.

Justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117): (s.55(2)(c))

Bulky goods premises

- Bulky goods premises was permissible with consent in the B6 zone under *Auburn LEP 2010* as an innominate use.
- The Amendment Order which delivers the changes to the Dictionary regime, has erroneously prohibited this use. This has occurred as, under the new Amendment Order, ‘bulky goods premises’ are no longer a stand-alone use and are now a subset of ‘retail premises’. As ‘retail premises’ are prohibited in the B6 zone in Auburn, ‘bulky

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goods premises' now needs to be listed separately in Item 3 to return its permissibility.

- Auburn's B6 zones have been applied along Parramatta Road, and a part of Silverwater Road, which are considered ideal locations for bulky goods premises.
- To permit an accurate translation of the existing controls relating to 'bulky goods premises' in the B6 zone, and allow a continuation of its permissibility, this amendment should be expedited.

Warehouse and distribution centres

- 'Warehouse and distribution centres' was prohibited in the R2, R3, R4 and RE2 zones under *Auburn LEP 2010* up to the time the SEPP Amendment was notified.
- The SEPP Amendment has changed 'Warehouse and distribution centres' from a sub-set of 'storage premises' to a stand-alone term. However, because the SEPP Amendment did not insert this use in *Item 4 Prohibited*, the Amendment has erroneously permitted the use in the R2, R3, R4 and RE2 zones. The SEPP Amendment now requires the use to be listed in *Item 4 Prohibited* in the R2, R3, R4 and RE2 zones.
- To permit an accurate translation of the SEPP Amendment relating to 'warehouse and distribution centres' in the R2, R3, R4 and RE2 zones and allow a continuation of its permissibility in these zones, this amendment should be expedited.

B6 zone objective

- 'Residential accommodation' is listed in *Item 4 Prohibited* in the B6 Enterprise Corridor zone.
- Prior to the Amendment Order being notified, *Auburn LEP 2010* contained the suite of mandatory objectives for the B6 zone.
- The Amendment Order introduced a new Direction (Direction 2) which requires that the definition which states "To provide for residential uses, but only as part of a mixed use development" must be included "if any type of residential accommodation is permitted in this zone". The inclusion of the new objective pertaining to residential uses is contrary to Direction 2.
- To permit an accurate translation of the zone objectives relating to the B6 Enterprise Corridor zone and the Amending Order and to avoid the continuation of any ambiguity, this amendment should be expedited.

If maps are to be adopted by the proposed instrument, such as maps for proposed zones; heritage areas; flood prone land - a version of the maps containing sufficient detail to indicate the substantive effects of the proposed instrument:
(s.55(2)(d))

No maps are to be adopted by the proposed instrument.

Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument:
(s.55(2)(e))

Given that the amendment represents either a translation of controls that were in place up to the notification of both the Amendment Order, or seek to be consistent with a new Direction within the Standard Instrument Order, no consultation should occur.