

Planning Services

Plan Finalisation Report

Local Government Area: Cumberland

File Number: IRF18/2718

1. NAME OF DRAFT LEP

Auburn Local Environmental Plan 2010 Amendment No.25 (draft LEP).

2. SITE DESCRIPTION

The planning proposal applies to land at 116-132 Amy Street, 2-4 Smith Street and 1-9 Maunder Street, Regents Park (the site).

The site is zoned R2 Low Density Residential with a maximum height of 9m. It is comprised primarily of single dwellings and includes a former commercial building and vacant squash court and gym. The site has an area of 13,250m² and includes a stand of trees of varying species in the middle of the site.

Surrounding development is primarily detached single dwellings, with mixed uses and older residential flat buildings on Amy Street near the railway station.

The site is approximately 800m from Regents Park railway station and 400m from the town centre.



Figure 1: Site location (Source: SIX Maps).

3. PURPOSE OF PLAN

The draft LEP seeks to:

- rezone the site from R2 Low Density Residential to R3 Medium Density Residential
- apply a maximum floor space ratio (FSR) of 0.75:1

Through the rezoning, multi-dwelling housing will become a permitted use on the site and allow for the objectives of the planning proposal to be met. It is anticipated that redevelopment could yield approximately 75 dwellings.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Auburn State Electorate. Luke Foley MP is the State Member for Auburn.

The site falls within the Blaxland Federal Electorate. Jason Clare MP is the Federal Member for Blaxland.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.
--

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. PRE-GATEWAY REVIEW, GATEWAY DETERMINATION AND ALTERATIONS

The planning proposal is the result of a pre-gateway review completed in 2014. The former Sydney West Joint Regional Planning Panel (now the Sydney Central City Planning Panel) recommended to not to support the proposal as proposed, but suggested a reduced height. This approach was supported by the Department, and the proposal was able to be lodged for a Gateway assessment subject to that amendment.

The Gateway determination issued on 15 July 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 4 September 2017 following amendments to the proposal adopted by the Panel. These amendments sought to further reduce the scale of the proposal following the initial community consultation period. The Gateway determination was again altered on 22 December 2017 to extend the time for completion.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was initially publicly exhibited by the Panel from 19 September 2016 to 17 October 2016. 59 submissions were received, in addition to a petition with 57 signatories. Submissions were also received from Roads and Maritime Services and Cumberland Council. The original proposal exhibited sought to facilitate R4 - High Density residential development and the creation of a new park. Submissions raised the potential impact on flora and fauna, traffic impacts, public transport capacity and distance from the site, poor relationship to local character and potential to impact on local services and infrastructure.

The Panel considered these public submissions, as well as both agency and Council advice, and determined that the proposal should be amended to rezone the site to R3

Medium Density Residential as this was seen to be a more appropriate outcome. This amendment required the re-exhibition of the proposal.

The amended proposal was exhibited 23 October 2017 to 19 November 2017. In total, 24 public submissions and two public agency submissions were received.

The primary issues raised through submissions were:

- traffic and parking;
- public transport;
- context and design;
- the potential removal of trees;
- the planning process; and
- public infrastructure and local services.

Traffic and parking

Increased traffic congestion was the most commonly raised concern through submissions, as existing traffic conditions are poor. The availability of on-street parking was also highlighted as a potential issue resulting from the rezoning. A traffic study provided in support of the planning proposal notes that an additional 33 trips will be created by the proposal within the AM and PM peaks. This represents a minor increase and is unlikely to significantly exacerbate the existing traffic congestions. Adequate parking for the redevelopment of the site will be addressed as part of any future development applications.

Public transport

Submissions suggested existing public transport is inadequate as most commuters travelling to the Sydney CBD are required to change trains at Lidcombe. The infrequency of buses and distance of the subject site to the railway station in the area was also raised. These issues were addressed by TfNSW who stated that the proposal is unlikely to significantly impact on public transport capacity or operations. The site is approximately 800 to 1000m to the railway station, a comfortable walking distance.

Context and design

Consistency with the local character of predominantly single storey dwellings was highlighted as a concern through the public submissions. While the proposed medium density is a departure from the existing low density zoning, medium density development can be designed to sit comfortably within the established character of the area. The existing height limit of 9m is proposed to be retained.

Concern was also raised for the setting of a precedent from the area through allowing the rezoning to proceed. However, all proposals are assessed on their merits and any subsequent application for rezoning would not be predetermined by the rezoning of this land.

Tree removal

Due to the existence of a stand of various species in the middle of the site, concern was raised for the protection and retention these trees. A preliminary tree assessment accompanying the planning proposal identifies 18 trees of high retention value on the site. The scale of development proposed may not necessarily result in the removal of all trees. The removal of any trees would be considered through any development application once the siting of buildings has been determined.

Planning process

Frustration over the planning process was a common issue raised by the public. The proposal was subject to a pre-gateway review and two exhibitions, arising in confusion and lack of confidence that objections were being genuinely considered. The proposal has been refined through the planning proposal, in part due to community input. The proposal has been reduced in scale and now relates more appropriately to the surrounding area and will result in less external impact than the original proposal for residential flats and public park.

Public infrastructure and local services

Concern for the existing levels of public infrastructure servicing, through school and hospital capacity was raised. Public submissions also expressed the lack of commercial services in Regents Park such as shops and medical centres. Demand for public infrastructure such as local schools and hospitals is under continuous assessment and can be addressed by state agencies as appropriate. Private services, such as medical facilities and shops, will be driven by market demand and will likely adapt to meet these needs through the provision of additional services.

The Panel considered the results of the public exhibitions and the public and agency submissions received on 5 April 2018 and resolved to recommend that the rezoning proceed to be made. The panel in their determination noted that the proposal is consistent with the Central City District Plan and would improve housing supply and choice in an area close to employment and services.

It is considered that no issues have been raised through the public exhibition that would preclude the planning proposal from progressing to a draft LEP. It is recommended the proposal should be adopted as exhibited and forwarded to the Department to be made.

7. ADVICE FROM PUBLIC AUTHORITIES

The Panel was required to consult Transport for NSW, Roads and Maritime Services, and Cumberland Council in accordance with the Gateway determination. The Panel also consulted with Ausgrid, Aboriginal Housing Office and Land and Housing Corporation as land owners in the vicinity of the site.

The Panel has consulted these authorities. Responses from RMS and Cumberland Council were received during the first exhibition and TfNSW and Ausgrid responded during the second exhibition.

TfNSW, raised no objection to the proposal and suggested future design considerations regarding walking and cycling mode shares, which can be considered through the development application process. Supplementary information was provided by TfNSW noting that the increase in population generated by the proposal is unlikely to impact on train operations.

Ausgrid highlighted that additional works may be required to ensure electricity supply to support the increased load created by the rezoning. Assets in proximity to the site and the precautions required to ensure appropriate separation and avoidance of disruption were also identified. These matters can be addressed at the development application stage.

8. POST-EXHIBITION CHANGES

No post-exhibition changes are recommended and the proposal should be made as exhibited.

9. ASSESSMENT

The draft LEP has merit and is supported for the following reasons:

- provides a housing type underrepresented in the LGA,
- provides housing to support the projected dwelling targets within the Central City District Plan, and
- provides housing in proximity to services and public transport, providing access to employment opportunities including in Parramatta CBD and the Sydney CBD.

State environmental planning policies

The draft LEP is consistent with all relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

State, regional and district plans

The Greater Sydney Region Plan was released in March 2018 and establishes a 40 year vision for Greater Sydney, including the central concept of the three cities. The plan sets 10 directions, including two relevant to the draft LEP which seeks to deliver diverse and affordable housing and overall greater housing supply. This proposal will contribute to meeting these objectives through providing an underrepresented housing type within the area and increasing supply in the locality. The draft LEP is consistent with the plan.

The Central City District Plan provides greater detail on how the objectives of the Region Plan will be delivered. Planning Priority 5 applies to this proposal seeking to deliver housing supply, choice and affordability in areas with access to jobs, services and public transport. The draft LEP will facilitate new dwellings within close proximity to existing services and infrastructure and will provide a dwelling type underrepresented in the LGA potentially contributing to housing affordability and diversity.

10. MAPPING

There are two Maps (**Attachment Maps**) and an accompanying Map Cover Sheet (**Attachment MCS**) associated with this amendment:

- Land Zoning map: LZN_004
- Maximum Floor Space Ratio map: FSR_004

The maps and map cover sheet have been approved by the Department's e-Planning team and provided to Parliamentary Counsel.

11. CONSULTATION WITH THE PANEL

The Panel was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment E**). The Panel confirmed on 21 May 2018 that it was satisfied with the draft and that the plan should be made (**Attachment F**).

12. PARLIAMENTARY COUNSEL OPINION

On 19 June 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act as it will provide approximately 75 dwellings and expand housing choice within the area.



27/6/2018

Adrian Hohenzollern
Team Leader, Sydney Region West



3/06/2018

Ann-Maree Carruthers
Director, Sydney Region West

Contact Officer: Jazmin van Veen
Acting Specialist Rezoning Officer, Accelerated Rezoning Team
Phone: 9373 2877