



# **Assessment Report**

## **Planning Proposal Request - (PP-2/2017)**

Proposal to amend the *Auburn Local Environmental Plan 2010* to introduce an 'educational establishment' as an additional permissible use for land at 2 Percy Street, Auburn

(Council's Assessment Report for Cumberland IHAP's consideration)

**27 July 2017**

# Report history

Date	Status
3 July 2017	Commencement
9 August 2017	Assessment Report to Cumberland's IHAP
	Assessment report to Council's Meeting

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# 1 Introduction

## 1.1 Executive Summary

This report provides an assessment of a Planning Proposal Request ('the proposal') submitted to Cumberland Council on 19 May 2017 for 2 Percy Street, Auburn ('the subject site') which is at **Appendix 1**. The site is located north east of the western railway line off Gelibolu Parade and consists of ten (10) lots.

The proposal was formally lodged by Architecture Design Studio Pty Ltd (ADS Pty Ltd) ('the proponent's consultant') on behalf of the landowner (Master Plumber's Association of NSW) and the landowner's nominee (Gallipoli Education Solutions Limited) ('the proponent') for this proposal.

The planning proposal request seeks amendments to the Schedule 1 of the *Auburn Local Environmental Plan 2010 (Auburn LEP 2010)* to introduce an 'educational establishment' as an additional permissible use, and initially proposed to amend the existing Floor Space Ratio (FSR) from 1.1 to 1.2:1.

However, in response to comments from Council, the proponent has subsequently amended the planning proposal request to retain the site's existing FSR of 1:1 (refer to **Appendix 10** for proponent's letter of 3 July).

The proposal does not amend the site's existing IN2 Light Industrial zoning or existing Height of Buildings (HOB).

The proposal argues that:

- the inclusion of an 'educational establishment' as an additional permissible land use than rezoning the land, supports and protects industrial land for industrial uses by retaining the existing IN2 light industrial zone; and
- an educational establishment is generally a more intensive use than industrial uses which will provide more jobs encouraging employment opportunities and supporting the Auburn Town Centre.

The Proponent further considers that this is a short term planning solution for the site and has indicated that they are willing to work with Council to achieve a long term strategic vision for the subject site in accordance with the broader strategic context. Council is currently undertaking the following strategic studies for the broader precinct area, within which the subject site is located:

- The draft *Auburn and Lidcombe Town Centre Strategy* and supporting studies for traffic, access and parking and view line analysis of the Gallipoli Mosque for the broader precinct (Precinct 22 and 21); and
- The draft Wyatt Park Plan of Management.

The proposal is currently supported by the following documentation:

- Design statement and proposed school program (**Appendix 2**) by Architecture Design Studio (ADS) (May 2017);

- Proposed revised masterplan, concept plans and artist impressions (**Appendix 3**) by Architecture Studio Pty Ltd (May 2017);
- Revised Transport Impact Assessment (TIA) by GTA (July 2017) (**Appendix 4**);
- Detail Site Investigation Report by Australian Geotechnical (May 2017) (**Appendix 5**);
- Flood information - A justification report prepared by the former Auburn City Council to meet consistency with the section 117 Direction 4.3 Flood Prone land, and Bewsher Consulting's response to Council dated (May 2012) (**Appendix 6**). This information was considered as not relevant for the proposal's assessment (refer to discussion at section 5.2 of the report).
- Flood Impact Assessment report by Northrop (July 2017) (**Appendix 7**) in response to Council's preliminary and post lodgement comments dated 15 May and 5 June 2017.

The supporting studies and additional information submitted are discussed in section 3.2 of this report.

The proposal was publicly exhibited (pre-Gateway) for a period of 30 days from Thursday 1 June to Friday 30 June 2017, in accordance with the *Cumberland Planning Proposal Notification Policy* as adopted by Council.

A total of twenty six (26) written submissions including a signed petition was received (refer to further information at section 7.0 and **Appendix 11** of this report).

This report recommends that the Planning Proposal Request **be supported by Council** for the following reasons:

### **1. The proposal is consistent with NSW State Government policies**

The proposal was assessed against the requirements of the following state strategies, plans and directions:

- *A Plan for Growing Sydney*;
- *Draft West Central District Plan*;
- State Environmental Planning Policies (SEPPs);
- Ministerial Directions under s.117 of the *Environmental Planning and Assessment Act 1979*.

The proposal is generally consistent, or justifiably inconsistent with the above:

- the proposal plans for independent school facilities to assist in meeting the needs of the significant growth in demand forecast for Auburn;
- the site's industrial use is 'orphaned', isolated from other industrial uses; the site will nevertheless contribute to employment by providing around 50 jobs in proximity to a centre;
- the proposed educational institution is located within 800 metres of a local centre and railway station; and
- the contamination report found that *'the site is considered suitable for the proposed private education institution'*.

### **2. The proposal is consistent with the Auburn Employment Lands Strategy (Dec 2015)**

The proposal is consistent with the recommendations and principles included within the strategy for locally significant employment lands. The subject site is within *Precinct 1 - Queen Street* which was identified in this strategy as *'Category 3 Employment Lands – lands that could be investigated for alternative uses'*. The planning proposal request seeks to

introduce “educational establishment” as an additional permissible use to an isolated land parcel currently zoned IN2 light Industrial within the Cumberland Council area.

However, it is recommended that should Council supports the Planning Proposal Request, further additional work and revised information would need to be submitted by the proponent, to proceed to the proposal’s next stage.

This recommended additional documentation includes:

- Update and revise the existing planning proposal request to reflect the reduced 1:1 FSR amendment (as agreed by the proponent on 3 July);
- Update and revise traffic and access provisions and conclusions to the satisfaction of Council engineers, as discussed, incorporating further modelling which takes into account the increased FSRs that resulted from LEP Amendment 8 to *Auburn LEP 2010*, and taking into account any other revisions to the planning proposal request;
- Update and revise Flood Impact Assessment prepared by Northrop (July 2017) to address implications of *flood risk management* requirements under *Auburn DCP 2010* to the satisfaction of Council engineers for the proposed use (educational establishment);
- Revise proposal and concept plans to include provision of adequate open/play space on site. This may require a reduction in student and staff numbers and intensity of the proposed development;
- Amend the maximum building height for the site as 10.0m (to correlate with Gallipoli Mosque’s 9.8m base level height) or propose a maximum building height of up to 12m and revise the proposal accordingly supported with justification. If the proposed development’s maximum building height for the site exceeds 10m, it is recommended that the proponent undertake a view line graphic analysis for the site considering the Auburn Gallipoli Mosque and surrounds (including Wyatt Park) to provide further justification of the amended maximum building height.

Updates and revisions recommended above may require all or some documentation to be revised accordingly and submitted along with the revised planning proposal request accordingly to Council officers’ satisfaction prior to proceeding to the next stage.

An assessment of the proposal can be found at section 4.0 of this report.

## 1.2 Purpose of the report

The purpose of this report is to assess the strategic merit of the planning proposal request applying to land at 2 Percy Street, Auburn, in accordance with local and state government legislation and policies.

This assessment report is not a planning proposal. A formal planning proposal, to be submitted to the Department of Planning and Environment (DP&E), will be prepared if this planning proposal request is supported by the Council as recommended by the Cumberland Independent Hearing and Assessment Panel subject to the planning proposal request and supporting information provided for Council’s assessment is considered satisfactory to Council officers.

### 1.3 Key Proponent liaison with Council prior to lodgement

The proponent and proponent's consultant on behalf of the landowner met with Council's Strategic Planning staff on 24 January 2017 to discuss the proposal's objectives and obtain Council's views on way forward to proceed with the proposal.

On 27 February 2017, the Proponent's Consultant (TPG Town Planning and Urban Design) lodged a draft Planning Proposal request for Council's preliminary review. Council staff provided further preliminary comments on the proposal on 15 May 2017, and a copy of this response is included at **Appendix 8** of the report.

### 1.4 Additional information

Council staff further reviewed the planning proposal request lodged, and provided the following additional comments to be addressed by Council's letter dated 5 June 2017 (refers to **Appendix 9** for further information).

Some of the key concerns and requirements raised by Council for the proposal's formal assessment included:

- That the proposed planning proposal request was contradictory to the principle of permitting an additional permissible use on site since an additional 1.2:1 FSR increase was initially proposed.
- That active open space requirements for the proposed use would need to be considered on-site rather relying on Wyatt Park;
- That further additional traffic modelling was required for traffic and transport matters considering the vehicular access constraints to the precinct within which the site is located, the site's close proximity to the Auburn Gallipoli Mosque and considering Mosque's peak prayer times; and
- That the proponent would need to address flood risk management requirements as per Council's Stormwater Drainage Part of *Auburn Development Control Plan 2010 (Auburn DCP 2010)*.

On 3 July 2017, TPG provided a written response to Council's post lodgement comments dated 5 June 2017, and a copy of this response is at **Appendix 10** of the report.

### 1.5 Proponent liaison with Council after lodgement

On 29 June 2017, the proponent, representatives of the Gallipoli Education Services, TPG met with Council's General Manager, Deputy General Manager and Group Manager Planning at the Auburn Administration Office of Cumberland Council.

At this meeting, the proposal's approach was discussed in general and the timing. The proponent further handed over 24 written submissions and a signed petition to Council which included approximately over 2000 signatures in support during the proposal was publicly exhibited (pre-gateway). The details of the community consultation carried out are discussed in **Appendix 11** of the report.

## 2 Existing situation

### 2.1 Land to which the proposal applies

The Planning Proposal Request applies to a medium sized industrial zoned land which is located north east of the western railway line off Gelibolu Parade, Auburn.



**Figure 1** - Aerial view of the site and immediate surrounds

Figure 1 shows the subject site is currently surrounded predominantly by an existing low density residential area from the north, a vacant site (currently approved for a residential aged care facility) from the west, the western railway line from the south, and Wyatt Park from the east.

The site includes the following ten (10) lots as shown in Figure 2 overleaf:

- Pt Lot 14 Sec 1 DP 2647;
- Lot 15 Sec 1 DP 2647;
- Lot 16 Sec 1 DP 2647;
- Lot 17 Sec 1 DP 2647;
- Lot 18 Sec 1 DP 2647;
- Lot 19 Sec 1 DP 2647;

- Lot 20 Sec 1 DP 2647;
- Lot 21 Sec 1 DP 2647;
- Lot 1 DP 721683; and
- Lot 1 DP 76735.



Figure 2 – Site showing the cadastre and allotments

## 2.2 Site description

The site has the following characteristics:

- Is approximately 7,300m<sup>2</sup> (0.73 hectares) in area;
- Is a corner and an irregular shaped site;
- Is bound by Percy Street, Gelibolu Parade, St Hillier's Road and a part laneway that buffers the adjoining residential area;
- Is currently occupied by a large two storey warehouse and an administration building with on-site car parking;
- Is located approximately 14-15 metre distance from the Sydney western railway line which is located approximately 2-2.5 metres above the existing road level of Gelibolu Parade.

## 2.3 Local context

Figure 3 overleaf shows the site outlined in yellow with its broader context, including the nearest bus stops and on road bicycle routes.



**Figure 3** – Aerial view of the site and its broader context

The site is currently located within the Auburn Town Centre, and is located approximately 700 metres walking distance from the Auburn Railway Station (12-15 minutes). The site is further serviced by existing public bus transport services that could be accessed via from the Auburn Town Centre within 850- 900m walking distance of the site.

The iconic Auburn Gallipoli Mosque that serves the wider Muslim Community of Cumberland Council area, and the approved three storey residential aged care facility (DA 189/15) that is being constructed, are located approximately 100-150 metres west of the site, and immediately west of the site respectively.

Wyatt Park, a large district level public open space is located to immediately to the east of the site. This park (managed by Council) includes a large athletic field, PCYC Auburn, netball and basketball courts, Lidcombe oval and swimming pool. These facilities are used extensively by many sporting organisations and the wider Cumberland community

A Plan of Management for Wyatt Park is currently being prepared by Consultants engaged by Council to further enhance and upgrade the park's facilities and to meet current and future recreational needs of the Cumberland community.

The site's northern and north western ends are predominantly characterised by a mix of older styled (1960s, 1970s, 1980s) housing with a few renovated houses.

The site further forms part of 'Precinct 1- Queen Street' as identified under the *Auburn Employment Lands Strategy (June 2008)*, and adjoins 'Precinct 22' as identified under Council's *draft Auburn and Lidcombe Town Centre Strategy (April 2017)* which is further discussed in section 4.3.2.

The site's surrounding land uses are predominantly characterised by R2 Low Density Residential uses which include single and two storey detached dwellings, a proposed three storey residential aged care facility which is being constructed, religious and community facilities that support the Auburn Gallipoli Mosque, and sports and recreational uses within Wyatt Park.

General Industrial Business Park and high density residential uses (residential flat buildings) are further located along Kerr Parade, Marion Street, and Queen Street far south of the site beyond the western railway line.

The site is excluded from the *Parramatta Road Urban Transformation Strategy (Nov 2016)*.

## 2.4 Existing development and land uses

The site's existing building has predominantly functioned as a warehouse/factory since 1970s and has changed uses over the years through the lodgement of various Development Applications (DA) for the site.

A historical review of uses approved for the site is included in **Appendix 12** of this report.

The 'Detailed Site Investigation' report prepared by Australian Geo Technical (May 2017) which is at **Appendix 5** of the report, indicate the site was under ownership of the railway and was used by various owners and for different industrial uses since 1930s.

The site currently includes a 'Training and Administration Facility' for Master Plumbers and Mechanical Contractors Association of NSW. The site's existing building includes a two storey administration building and large warehouse with onsite car parking with vehicular entry/exit access points from St Hillers Road, and Gelibolu Parade, Auburn (refer to Figures 4, 5, 6 and 7 below).



**Figure 4** - View of the existing building from Percy Street



**Figure 5** – Main entrance to the existing building (from Percy St)



**Figure 6** – Existing two storey administration building located along Gelibolu Parade



**Figure 7** – View of part laneway (from St Hillers Rd) separating the proposed site with the adjoining residential area

Figures 8 and 9 illustrate the existing surrounding land uses and development.



**Figure 8-** Surrounding Mosque views from Gelibolu Parade and the residential aged care facility being built



**Figure 9 -** Views from St Hillers Road showing the existing low density residential area

Although there are no known site constraints such as native vegetation issues or contamination, the site is affected by acid sulphate soils, surrounding environmental heritage and partial flooding.

## **2.5 Existing Planning Controls**

### **2.5.1 Auburn LEP 2010 zoning**

Figure 10 overleaf shows the site is zoned IN2 Light Industrial under the *Auburn LEP 2010*.

Land surrounding the site is predominantly zoned R2 Low Density Residential and RE1 Public Recreation.



Figure 10 - Auburn LEP 2010 – Extract from Land Zoning Map (site outlined in Black)

The IN2 Light Industrial zone’s key objectives are:

- “
- To provide a wide range of light industrial, warehouse and related land uses;*
  - To encourage employment opportunities and to support the viability of centres;*
  - To minimise any adverse effect of industry on other land uses;*
  - To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area;*
  - To support and protect industrial land for industrial uses; and*
  - To minimise adverse effects on the natural environment”.*

The land uses permissible within the IN2 light industrial zone include:

*“Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Plant nurseries; Markets; Neighbourhood shops; Places of public worship; Restaurants or cafes; Roads; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4”.*

Generally, the IN2 light industrial zone permits a range of industrial uses such as light industries, industrial training facilities, warehouse or distribution centres and other non-industrial uses such as business premises, places of public worship with a few retail type uses. Currently, educational establishments, retail premises and office premises are prohibited within the IN2 Light Industrial zone.

However, the subject site’s surrounding R2 Low Density Residential zone permits educational establishments as a permissible use within the zone.

**Auburn LEP 2010 definition for an ‘educational establishment’**

An ‘educational establishment’ is currently defined under *Auburn LEP 2010* as follows:

*“educational establishment means a building or place used for education (including teaching), being:*

- (a) a school, or*
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act”.*

The *Auburn LEP 2010* defines a ‘school’ as follows:

*“School means a government school or non- government school within the meaning of the Education Act 1990. Note schools are a type of educational establishment”.*

**2.5.2 Former Auburn LEP Zoning**

The site was formerly zoned 4(b) Light Industrial under the now repealed *Auburn Local Environmental Plan 2000*.

**2.5.3 Principal Development Standards**

**Table 1** below summarises the *Auburn LEP 2010* principal development standards that currently apply to the site:

<b>Auburn LEP 2010 land zoning</b>	<b>Maximum Height of Buildings (HoB)</b>	<b>Floor Space Ratio (FSR)</b>	<b>Minimum Subdivision Lot Size</b>
IN2 Light Industrial zone	Nil.	1:1	1500 m <sup>2</sup>

**Table 1** - Summary of existing *Auburn LEP 2010* controls applying to the site

Figure 11 overleaf shows an extract from the *Auburn LEP 2010* Height of Buildings map as applied to the site. Currently, there is no height limit for the site.

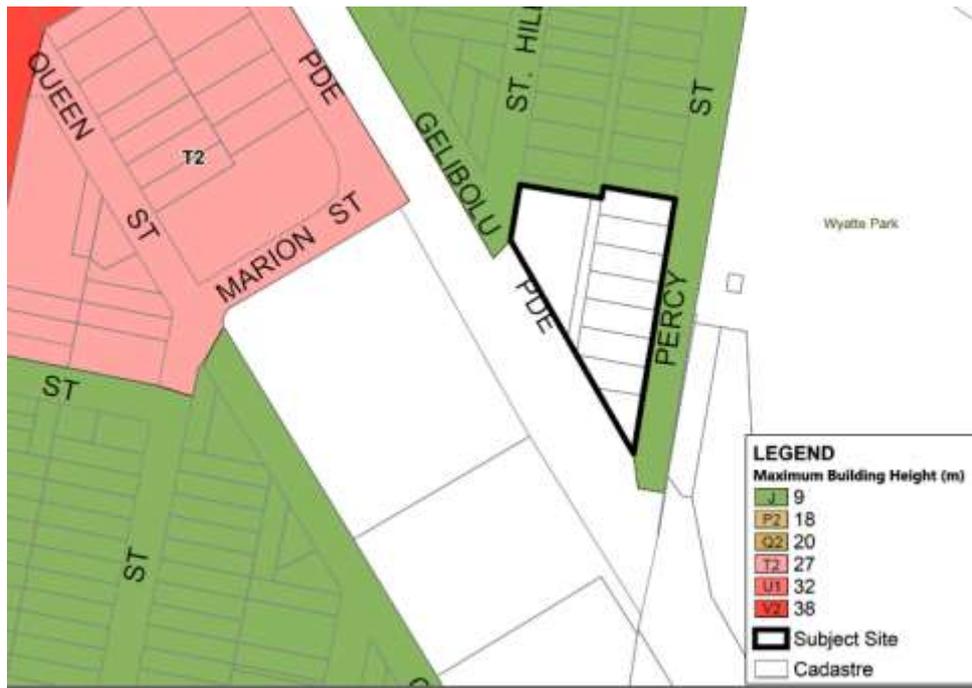


Figure 11 - Auburn LEP 2010 – Extract from Height of Buildings Map (site outlined in Black)

Figure 12 below shows an extract from the Auburn LEP 2010 FSR map as applied to the site which shows an FSR of 1:1.



Figure 12 - Auburn LEP 2010 - Extract from Maximum Floor Space Ratio map (site outlined in black)

Currently, a minimum subdivision lot size of 1500m<sup>2</sup> applies to the site (see Figure 13 below).



Figure 13 - Auburn LEP 2010 – Extract from Standard Minimum Lot size map (site outlined in black)

### 2.5.4 Flood Planning

As shown in Figure 14 below, the site is partially affected by flooding under the Auburn LEP 2010 flood planning map below.

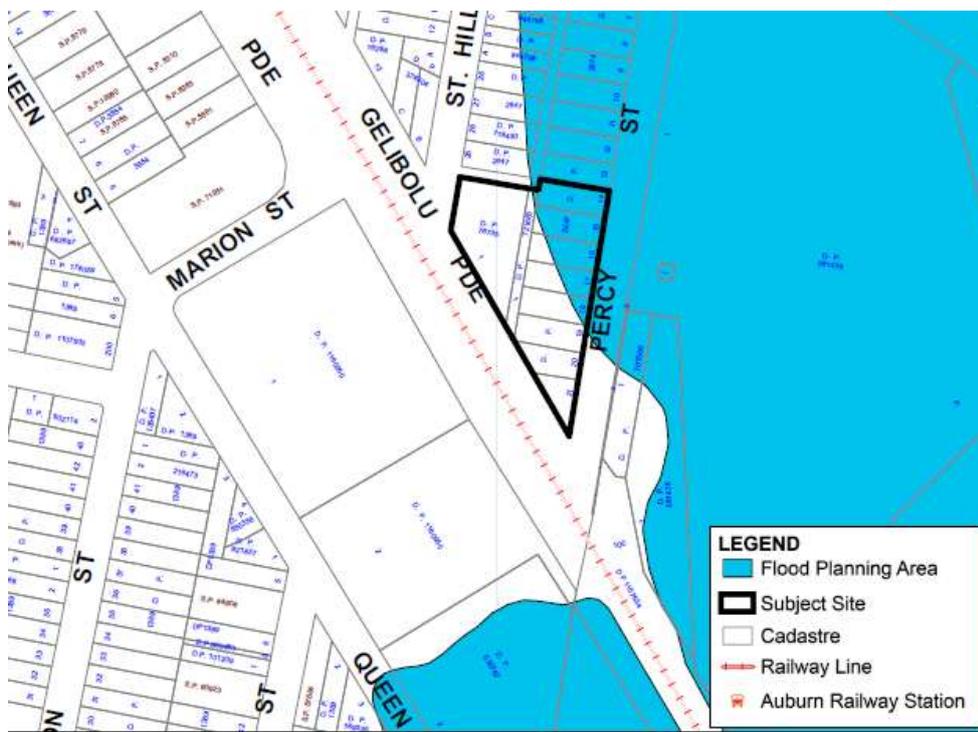


Figure 14 - Auburn LEP 2010 – Extract from Flood Planning (site outlined in black)

Though the site is already developed, the proposal has an effect in relation to flooding because the proposal proposes an ‘educational establishment’ as an additional permissible use on site using the existing building.

Currently, Educational Establishments (schools) are considered as an ‘essential community facility’ under Table 6, Section 6.0 of the Stormwater Drainage Part of the *Auburn Development Control Plan 2010 (Auburn DCP 2010)*, and is considered an ‘unsuitable land use’ to be located within a low, medium or high flood risk precinct.

Following a review of the proposal, Council’s engineers provided preliminary and post lodgement comments on the proposal on 15 May and 5 June 2017 (refer to **Appendices 8 and 9**). The Proponent’s flood response to Council’s request is discussed in section 5.2 of this report.

Council Engineer’s consider that the information is essential for the assessment of the proposal.

It is further anticipated that a DA would be lodged by the proponent for the redevelopment of site to propose an educational establishment via adaptive reuse of the existing building.

### 2.5.5 Acid Sulphate Soils

The site is shown as having Class 5 Acid Sulphate Soils under the *Auburn LEP 2010 Acid Sulphate Soils Map* in Figure 15 below, and is considered the least affected category for development purposes.

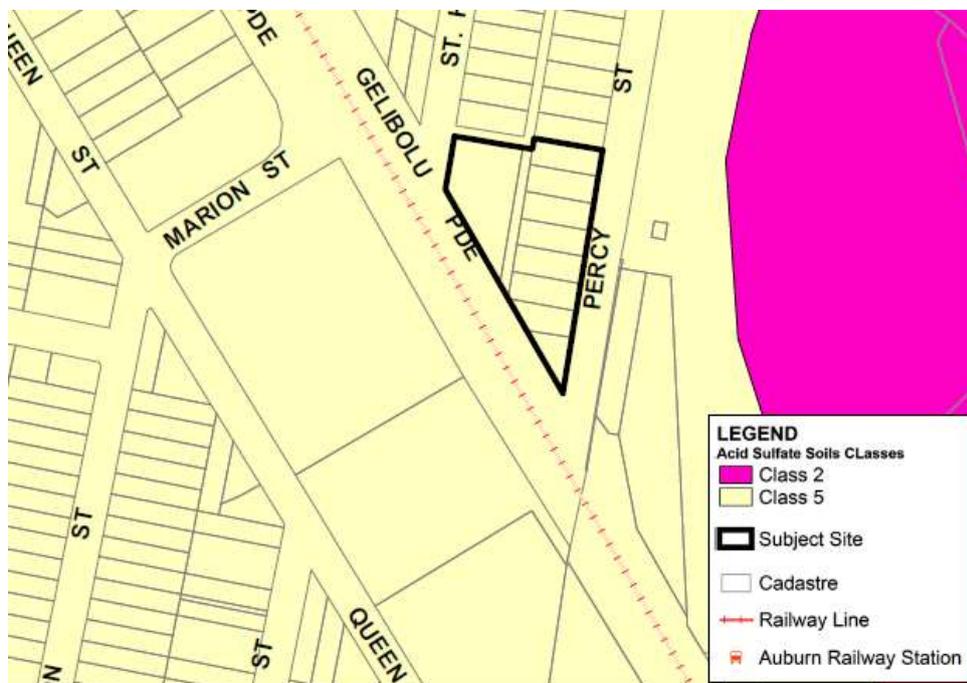
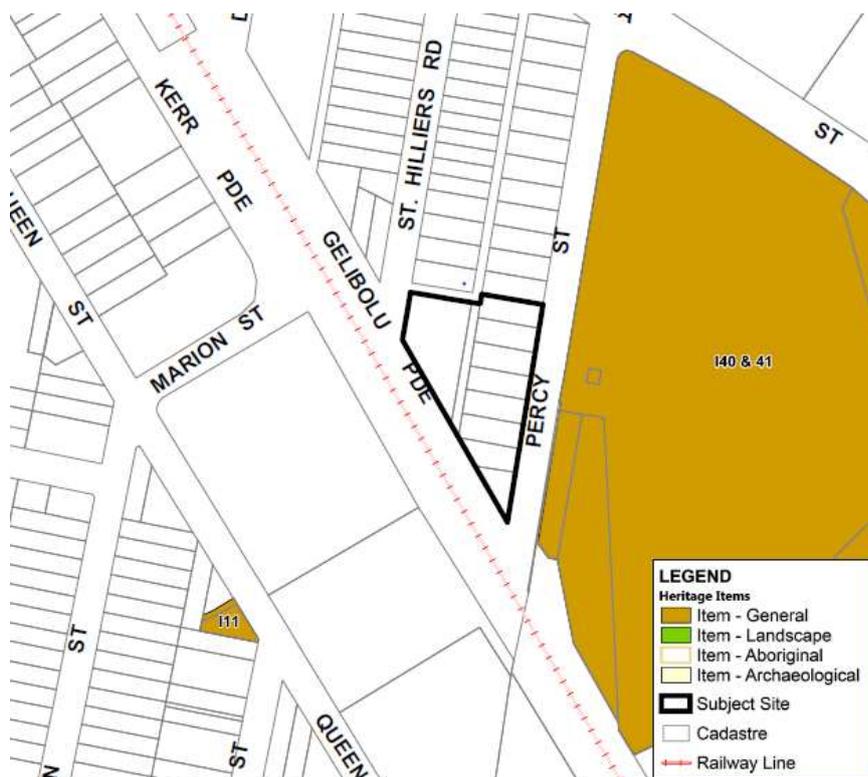


Figure 15 - Auburn LEP 2010 – Extract from Acid Sulphate Soils Map (site outlined in black)

However, since the site has been already developed, and the proposed use within the existing building as illustrated by the revised concept layout plans (refer to **Appendix 2**), the proposal has no effect on acid sulphate soils.

Should the proponent decide to demolish the existing building to propose a new educational establishment on site or include a major addition to the existing building and lodge a Development Application (DA) or complying development, then the proponent would be required to fulfil Clause 6.1 Acid Sulphate Soils requirements of *Auburn LEP 2010*.

### 2.5.6 ALEP 2010 Heritage



**Figure 16** - Auburn LEP 2010 – Extract from Heritage (site outlined in black)

Figure 16 shows an extract of the *Auburn LEP 2010* Heritage Map as applied to the site.

This map further shows two heritage items located east of the site ('140' and '141') which are currently listed under *Schedule 5 – Environmental Heritage* of the *Auburn LEP 2010* (p.66).

Most relevant item that is relevant for this proposal is heritage item '140' which includes Wyatt Park, Haslams Creek, Lidcombe Pool and Oval, and the Stormwater Drain.

It is also in the vicinity of Auburn Gallipoli Mosque, which is being investigated for its potential heritage significance.

However, since the site has already been developed, and the proposed additional use is proposed within the existing building as shown by the proposed revised concept plans, the proposal has no effect. Given the items included within the heritage items are located

reasonably away from the proposed site it is anticipated that the proposed use or existing building is unlikely to create an impact on its heritage significant surrounds within Wyatt Park.

However, should the proponent decide to demolish the existing building and propose a new educational establishment on site or include a major addition to the existing building and lodge a Development Application (DA), then the proponent would be required to fulfil requirements of Clause 5.10 Heritage Conservation of the *Auburn LEP 2010*.

### **2.5.7 Auburn DCP 2010 controls**

The site is currently zoned IN2 Light Industrial, and the Industrial Part of Council's *Auburn DCP 2010* applies.

Since the site is affected by partial flooding, the Stormwater Drainage Part of Council's *Auburn DCP 2010* applies.

Should the proposal proceed to DA stage, the parking requirements of *Auburn DCP 2010* would also apply.

## 3 Description of the Proposal

### 3.1 Proposed Planning Controls

The planning proposal request seeks to amend the *Auburn LEP 2010* to introduce an 'educational establishment' on site as an additional permissible use.

The proposal does not amend the existing *Auburn LEP 2010* Height of Buildings (HoB) and the Lot Size (LZM) maps.

The proposed LEP amendment would need to be achieved by an inclusion of a written LEP clause under *Schedule 1 – Additional Permissible Uses* and by an inclusion of an Additional Permissible Use (APU) map applying to the site along with the relevant amending FSR Map to reflect the proposal's 1.2:1 FSR under *Auburn LEP 2010*.

Note: the proponent initially sought an FSR of 1.2:1, however they have indicated they intend to retain the existing FSR of 1:1. (Refer to Proponent's response to Council on 3 July 2017 which is at **Appendix 10**).

### 3.2 Supporting studies and additional information submitted

The proposal is supported by the following documentation:

- Proposed design statement and school program by ADS;
- Revised masterplan, concept plans, and artist impressions (May and July 2017) by ADS;
- Revised Transport Impact Assessment by GTA (July 2017);
- Justification report providing consistency with section 117 direction for flooding by former Auburn City (January 2012) and Bewsher Consulting's advice letter to former Auburn City (May 2012);
- Report on Flood Impact Assessment (July 2017) by Northrop; and
- Detailed Site Investigation report by Australian Geo Technical (May 2017).

The supporting information and studies are briefly summarised below:

#### 3.2.1 Proposed design statement and revised concept plans

The design statement provides a brief summary of the proposal's design intent and development, the site, objectives and its intended outcomes.

The following points were noted:

- "*The PPR seeks an amendment to the Maximum permissible floor space ratio (FSR) which will enable an increase in floor space conducive to the use of the site as a school (p.1)*"; [Note: an increased FSR is no longer sought]
- "*The objectives of the PPR are consistent with the objectives with the subject site's IN2 light industrial zone as it does not seek to alter the zoning of the subject site (p.2)*";

- “A school is also a generally a more intensive use than industrial uses and will provide more Jobs (p.2)”;
- “The inclusion of an ‘educational establishment’ as an additional permitted use rather than a rezoning supports and protects industrial land for industrial uses by retaining the IN2 zone(p.2)”.

The proposed school program outlines the nature and scale of the proposed educational establishment and the proposed facilities. The proposed educational establishment is privately owned and includes a total capacity of 650 students and 50 teaching staff. This includes 350 kindergarten and primary education students and 300 secondary education students (refer to **Appendix 2** for further information).

On 15 May and 5 June 2017, Council requested the proponent’s consultant to revise the original proposed concept plans prepared by ADS (May 2017). Council’s preliminary and post-lodgement comments on the proposed concept plans are at **Appendices 8 and 9**.

Council’s planning staff considered the additional information was essential to determine proposal. On 3 and 10 July 2017, the proponent submitted a copy of the revised concept plans. A copy of the proponent’s response to Council dated 3 July is at **Appendix 10**. A copy of the proposed revised indicative concept plans are at **Appendix 3** of this report.

Figure 17 (below) illustrates the site’s location, its context and relationship to its surrounds.



**Figure 17** – The planning proposal request and relationship to site and surrounds

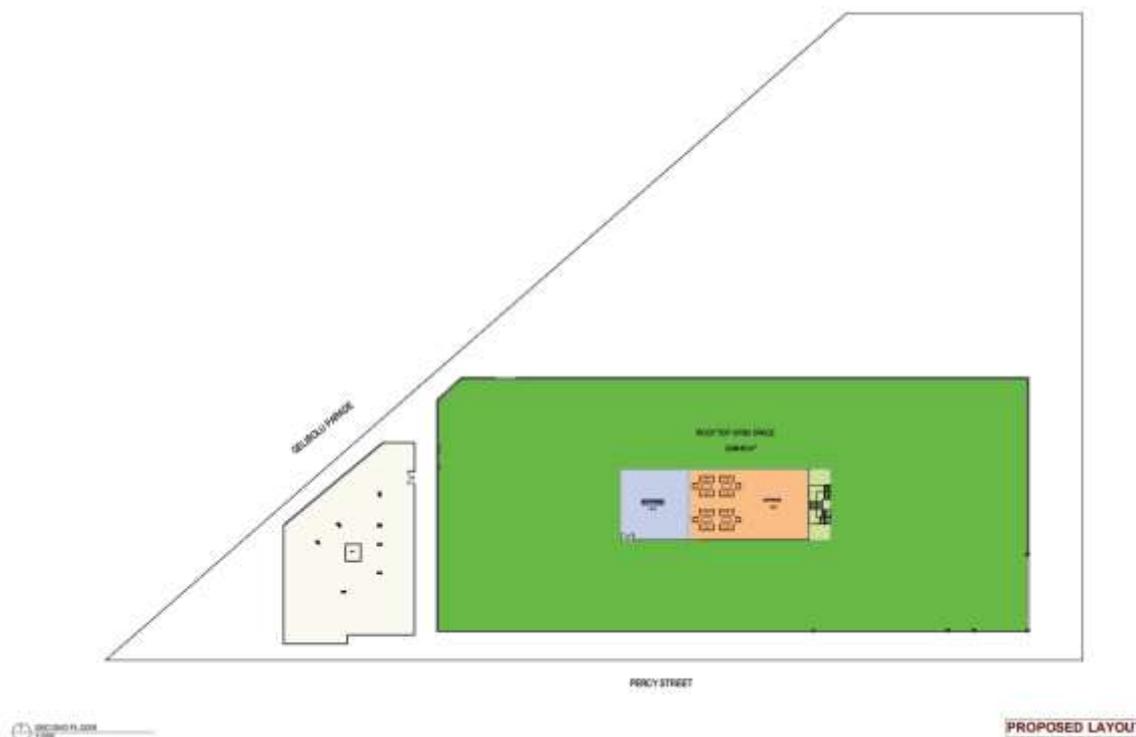
The following Figures 18, 19 and 20 illustrate the proponent’s indicative proposed plans for ground, first and second floors of the existing building including the design of the proposed additional use.



Figure 18- Proposed indicative Ground Floor Plan



Figure 19- Proposed indicative First Floor Plan



**Figure 20-** Proposed indicative Second Floor Plan

The following comments are provided on the revised concept plans:

- A total Gross Floor Area (GFA) of approximately 7,143m<sup>2</sup> is proposed for a 1:1 FSR (proponent has reduced the proposed FSR from 1.2:1 to 1:1 as agreed);
- A total outdoor open space area of approximately 3873.74m<sup>2</sup> (54%) is proposed at ground and second floor levels (roof top);
- A total open space area of 1,178m<sup>2</sup> is proposed at the ground level which is approximately 16% of the proposed GFA;
- An indoor play area is proposed at the ground floor;
- A total of 52 car parking spaces are proposed including 2 disable access car parking spaces;
- 26 classrooms, a multi-purpose hall, library, canteen, office and administration area, laboratories, computer labs, indoor play area, assembly areas, a cafeteria, toilets, and staff facilities are proposed;
- The proposed floor plans (ground, first and second) indicated 3 levels while the existing plans indicated 2 levels (ground and first floors);
- The revised second floor plan shows a roof top open space area which is 2,694.80m<sup>2</sup>, cafeteria and toilets;
- Indicates vehicular parking entry and exit points from Gelibolu Parade and St Hillers Road;
- Most of the key school uses such as classrooms, laboratories, library and assembly halls were proposed along Percy Street while ancillary supporting uses such as reception, sick room, toilets, offices, administration and accounts, coordinator's office which supports the functioning of the proposed additional permissible use were located along Gelibolu Parade closer the western railway line;
- and
- The building's existing plans include a total Gross Floor Area of approximately 4,961.8m<sup>2</sup> and an approximate 0.69:1 FSR.

### 3.2.2 Revised Transport Impact Assessment (July 2017) by GTA

On 15 May and 5 June 2017, Council requested the proponent's consultant to revise the original Transport Impact Assessment (TIA) (May 2017) prepared by GTA to provide some additional information and undertake additional modelling (refer to Appendices 8 and 9).

On 10 July 2017, GTA submitted a revised Transport Impact Assessment and a copy of this assessment is at **Appendix 4** of the report.

The revised TIA study (p. 1) provides an assessment of the anticipated transport implications of the proposed development.

The study conclusions relevant to the proposal are that:

“

- *...the planning proposal request seeks to allow additional permitted uses for the site including kindergarten, primary school, secondary school and administration office uses, which are currently prohibited under the current Light Industrial zone (IN2);*
- *The proposal would generate 45 car parking spaces (including drop off and pickup facility);*
- *It is recommended that the bicycle provisions between 35-69 be provided and shown on detailed plans prepared as part of any future development application for the site”*
- *The proposal is anticipated to generate a total of 376 vehicle trips per hour during any peak periods;*
- *There is adequate capacity in the surrounding network to cater for the traffic generated by the proposal;*
- *The impacts of traffic generated by the proposal are not expected to compromise the safety and function of the road network; and*
- *The school's peak periods will not overlap with the Auburn Gallipoli Mosque Friday's prayer midday and the proposed adjacent residential aged care facility's shift changeover periods (p. 29).*

### 3.2.3 Flood justification report by former Auburn City (Jan 2012) and Bewsher Consulting's response (May 2012)

Council acknowledges the receipt of the above information provided along with the proposal's request.

However, Council considers that the section 117 justification report prepared for flooding by the former Auburn City Council for the FSR planning proposal to rezone certain land identified within the local centres of the Local Government Area to R4 High Density Residential and B4 Mixed Use zones under the *Auburn Local Environmental Plan 2010* does not relate to the justification of this proposal.

The land subject to this proposal request or its surrounds has no relevance to the information provided within the justification report or the written response provided by

Bewsher Consulting to Council on 23 May 2012 since the subject site and its surrounds were excluded from the FSR planning proposal (Refer to **Appendix 6** of the report for Council's response provided on 5 June 2017).

The proposal's consistency with s.117 directions is further tabled at **Appendix 13** of the report.

### **3.2.4 Additional Flood Information – (Northrop) July 2017**

On 15 May 2017, Council provided preliminary comments on the proposal and requested the proponent submit a 'detailed site identification survey' and a 'flood impact assessment report' to fulfil flood risk management requirements given under Council's *Auburn Development Control Plan 2010*. Council's preliminary comments to the proponent provided on flooding are at **Appendix 8** of the report.

On 5 June 2015, Council informed that the proponent's original flood information submitted for the proposal on 19 May 2017 could not be considered as relevant for the justification of this proposal (refer to discussion above at section 3.2.3).

Council's planning and engineering staff considered the flooding information was essential to assess the proposal given the site was partially affected by flooding, and considering the nature and intensity of the proposed additional use.

Council requested the following information:

“

- 1. The detailed site identification survey provides that the site to which the PPR applies is shown partly affected by flooding under Auburn LEP 2010's flood planning maps. Council's Engineering Division has further confirmed that the site to which the draft PPR applies is affected by Probable Maximum Flooding (PMF) of Haslam's Creek, and Council's adopted PMF level for the site is 13.2m Australian Height Datum (AHD).*
- 2. The PPR should address how the proposed use would comply with requirements of Chapter 6 of the Stormwater Drainage Part of the Auburn Development Control Plan 2010 (Auburn DCP 2010), outline whether flood impacts are anticipated, and propose any mitigation methods required.*
- 3. Auburn DCP 2010 (Stormwater Drainage part) - Since schools (Educational Establishments) are considered as 'Essential Community Facilities' under Tables 5 and 6 of the Stormwater Drainage Part of ADCP 2010, and are not allowed within the Probable Maximum Flood (PMF area), a detailed flood report along with a survey to AHD of the property is required to be undertaken and submitted along with the proposal to ensure that the envisaged use/development on site is clear of the PMF”.*

The proponent's Flood Report (July 2017) submitted provides an assessment of the existing and proposed site conditions, flood impact and planning considerations as per Council's Stormwater Drainage Part of the *Auburn Development Control Plan 2010 (Auburn DCP 2010)*.

The report conclusions relevant to this proposal are that:

“

- *The majority of the site is above the PMF Probable PMF level of 13.2m, hence reduction the likelihood of requiring raised site levels in order to comply with Council Guidelines;*
- *Classification of Low Flood Risk and Commercial and Industrial deem all planning considerations except evacuation as non-relevant; and*
- *To comply with Council’s Planning and Consideration the site is required to be consistent with the relevant DISPLAN or flood evacuation strategy”.*

Council’s assessment comments on the flood report is at section 5.2.

### **3.2.5 Detailed Site Investigation Report - (Australian Geo Technical) May 2017**

On 15 May 2017, Council provided preliminary comments on the proposal and requested that a ‘preliminary site investigation’ report be submitted to fulfil Clause 6 requirements of the *State Environmental Planning Policy No.55 – Remediation of Land*.

On 19 May 2017, Australian Geo Technical submitted a ‘detailed site investigation’ report and a copy of this report is at **Appendix 5** of the report.

The ‘detailed site investigation’ report (section 2.0) establishes whether the site presents a risk to human health and/or the environment arising from any past and present activities at the site or neighbouring properties.

The ‘detailed site investigation’ report concludes that:

“

- *The site is proposed for use as a private education institution;*
- *The results of the chemical analyses for the soils beneath the subject site do not indicate that the site has been contaminated by the past or present activity;*
- *Validation of building footprints and disturbed areas will need to be carried out post demolition and site clean-up in order to satisfy sampling densities and contaminants of concern;*
- *Environmental supervision during stripping of the should be carried out to confirm no unexpected finds present within grassed areas, under building slabs etc.;*
- *The data quality objectives of the report have been fulfilled;*
- *Any soils requiring removal from the site must initially be classified in accordance with the NSW waste classification guidelines*
- *The finds of the detailed site investigation and the results of the chemical analyses. Does not indicate that the site poses a risk to human health or the environment and therefore the site is considered suitable for the proposed private education institution”.*

The report was carried out in accordance with the current NSW EPA guidelines, and it is possible that contaminated land soils may be present between sampling locations where the soils are not tested.

Council's comments on the detailed site investigation report are at section 5.4.

**A. Preliminary Site Investigation report (June 2014) by Aargus**

On 5 June 2017, Council requested a copy of the 'preliminary site investigation' report prepared by Aargus (June 2014) as additional information since it was mentioned in the executive summary of the 'detailed site investigation report' (May 2017).

Since, the preliminary site investigation report was prepared for another purpose and a use for the same site, the report was not considered as relevant to be attached for the proposal's assessment.

## 4 Assessment of the Proposal

The assessment of this proposal generally follows the assessment criteria for planning proposals set out in the Department of Planning and Environment's *A Guide to Preparing Planning Proposals* including:

- objectives or intended outcomes;
- explanation of provisions;
- justification;
- need for the planning proposal;
- relationship to strategic framework;
- environmental, social and economic impact, and
- State and Commonwealth interests

### 4.1 Objectives or intended outcomes

The proponent's key objectives and intended outcomes for the proposal are as follows:

“

- *Amend the ALEP 2010 to permit the redevelopment of the subject site for the purpose of an 'educational establishment' with the development consent of the Council;*
- *Amend the ALEP 2010 to allow for an increase in FSR to facilitate the future redevelopment of the subject site for the purpose of an 'educational establishment';*
- *Provide a new school to cater for the growth of the school- aged population in the locality; and*
- *Provide opportunities for culturally aligned education programs for the Muslim community that caters for the diverse needs of the wider Auburn and Cumberland community (p.8 and p.9)”.*

The proposal's objectives are generally consistent with the site's *Auburn LEP 2010* objectives for an IN2 Light Industrial zone, and are discussed in section 2.5.1 of the report.

The proposal will enable the continuation of the existing industrial land uses on site which is currently zoned IN2 Light Industrial, and introduce a more intensive additional permissible use that is non industrial by adaptive reuse of the existing building, provide employment opportunities, and support the Auburn Town Centre.

## 4.2 Explanation of provisions

### ***Auburn LEP 2010***

The proposal aims to introduce an ‘educational establishment’ on site as an additional permissible use and amend the *Auburn LEP 2010* as discussed in section 3.1 of the report. A new LEP map would be introduced to indicate where the proposed additional use would apply.

## 4.3 Justification

### 4.3.1 Section A – Need for the planning proposal

#### ***Q1 Is the planning proposal a result of any strategic study or report?***

The proposal is not a result of any strategic study or report.

However, the proposal is supported by the New South Wales state and local strategic planning framework as mentioned in section 4.3.2.

#### ***Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Yes (in the short term).

The proponent has considered the following two planning options for the site with responses below to proceed with the PP request (p.14 and 15). The two options are discussed in detail in Table 2 below and overleaf providing Council’s assessment:

<b>Option</b>	<b>Options to proceed with the Proposal</b>	<b>Applicant’s response</b>	<b>Council officer assessment</b>
1	Introduce an ‘educational establishment’ for the site (zoned IN1 Light Industrial) as an additional permissible use to amend Schedule 1 of the <i>Auburn LEP 2010</i> ; and amend exiting FSR from 1:1 to 1.2:1.	Considers this as the most appropriate planning outcome which is efficient and timely to proceed with.  Considers the site as a most suitable location for a school to be developed as it responds to local need for a school identified by the proponent and under Direction 1.10 of Plan for Growing Sydney in a locality that will benefit from	Council officers support the proponent’s view and consider this option as a better short term planning option than option 2 to proceed with the proposal due to reasons below: <ul style="list-style-type: none"> <li>• Retains the existing IN2 Light Industrial zoning;</li> <li>• Proponent intends to retain the existing FSR of 1:1 (an FSR of 1.2:1 was initially proposed);</li> <li>• Is generally consistent with <i>Auburn LEP 2010</i>’s objectives for IN2 Light Industrial zoning as discussed in section 2.5.1;</li> <li>• The existing site is developed with a large warehouse and a two storey administration building that is of a good condition that can be switched between industrial and non-industrial uses;</li> </ul>

		the synergies with the nearby Auburn Gallipoli Mosque and Gelibolu Home Aged Care Facility.	<ul style="list-style-type: none"> <li>• Currently, the site functions as a Training and Administration Centre for Master Plumbers and Contractors Association of NSW and is considered a similar use to the proposed educational establishment on site though the use has a higher intensity.</li> <li>• The proposed additional use adds more flexibility for the site’s uses within an IN2 light industrial zone and supports the continuation of other light industrial uses for the site when required;</li> <li>• Is consistent with the recommendations provided by the <i>Auburn Employment Lands Strategy 2015</i> (refer to section 4.3.2)</li> <li>• Is located within close proximity of the Auburn Gallipoli Mosque, the proposed residential aged care facility that is being constructed and Wyatt Park and is considered a favourable location for the proposed use socially, environmentally and culturally;</li> <li>• Adjoins Precinct 22 of the exhibited <i>draft Auburn and Lidcombe Town Centre Strategy</i> and the proposed Wyatt Masterplan area;</li> <li>• Unlikely to create any major environmental, social and economic impacts as a result of the proposal.</li> </ul>
2	Rezone the existing site’s zoning to SP2 Infrastructure (Educational Establishment)	Considers that “the SP2 use would unnecessarily limit the use of the site to only educational establishment uses (p.14)”.	<p>This option is not considered supportable due to reasons below:</p> <ul style="list-style-type: none"> <li>• Limits the site’s existing permissible land uses without purpose and extensively.</li> <li>• Is not flexible with regards to land uses provision considering the site’s historical nature of different uses.</li> <li>• SP2 Infrastructure zone prohibits ‘educational establishments’ under <i>Auburn LEP 2010</i>.</li> </ul>

**Table 2** – Council’s assessment of planning options

Option 1 is considered to be the most effective way of achieving the key objectives and intended outcomes of this proposal in the short term (within the next 2-3 years) and in the long term with a gradual transition.

Apart from planning options 1 and 2, Council considers a third planning option which includes the rezoning of the site from IN2 Light Industrial to R2 Low Density Residential zone which automatically permits the proposed educational establishment as a permissible use within the site. This option was proposed when council provided preliminary comments on the proposal on 15 May and 5 June 2017.

If this option was to proceed, the proponent may need prepare site specific provisions for the site (for building height and FSR), and justify the loss of locally significant employment lands within the Cumberland LGA including the section 117 direction by the Minister.

The recommended option 1 would encourage, increase the usability of the site via the adaptive reuse of the existing building without significant social and environmental impacts

on its surrounds, and further enhance the economic viability and create jobs within the Auburn Town Centre and support social, religious and cultural needs of the wider Muslim Community resident within Cumberland Council area.

### 4.3.2 Section B – Relationship to strategic framework

**Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

The proposal is consistent with the relevant strategic directions, actions and provisions of the following strategic planning strategies:

- *A Plan for Growing Sydney*,
- *Draft West Central District Plan (DWCDP)*.

A full checklist analysis of the proposal's consistency with these strategies is provided at **Appendix 13** of the report.

#### ***A Plan for Growing Sydney***

The Department of Planning and Environment's '*A Plan for Growing Sydney*' is the current overarching NSW strategic plan/strategy for guiding growth and development in Sydney for the next 20 years. It establishes housing and employment targets, and provides four goals and directions and actions for consideration when making planning decisions.

The Proposal's consistency with *A Plan for Growing Sydney* is provided at **Appendix 13** of this report.

#### ***Draft West Central District Plan***

The draft *West Central District Plan (draft WCDP)* provides detailed sub-regional planning and implementation Strategy to support *A Plan for Growing Sydney*. Whilst this draft strategy was produced after *A Plan for Growing Sydney*, it is considered that the main current district plan applying to Cumberland Council area.

The DWCDP's productivity priority 9 (protects and support employment and urban services (p. 73) states the following"

*"...relevant planning authorities should take a precautionary approach to rezoning employment and urban support lands or adding additional permissible uses that would hinder their role and function. The exception being where there is a clear direction in the regional plan (Plan for Growing Sydney), the District Plan or an alternative strategy endorsed by the relevant planning authority. Any such alternative strategy should be based on a net community benefit assessment (p.73)".*

The *Auburn Employment Lands Strategy (Dec 2015)* identifies the site as being part of 'Precinct 1 - Queen Street' (p.5 and p.6) refer to further discussion at section 4.3.2 of this report.

The Proposal's consistency with the draft *WCDP* is provided in **Appendix 13** of this report.

**Q4 Is the planning proposal consistent with Council’s local strategy or other local strategic plan?**

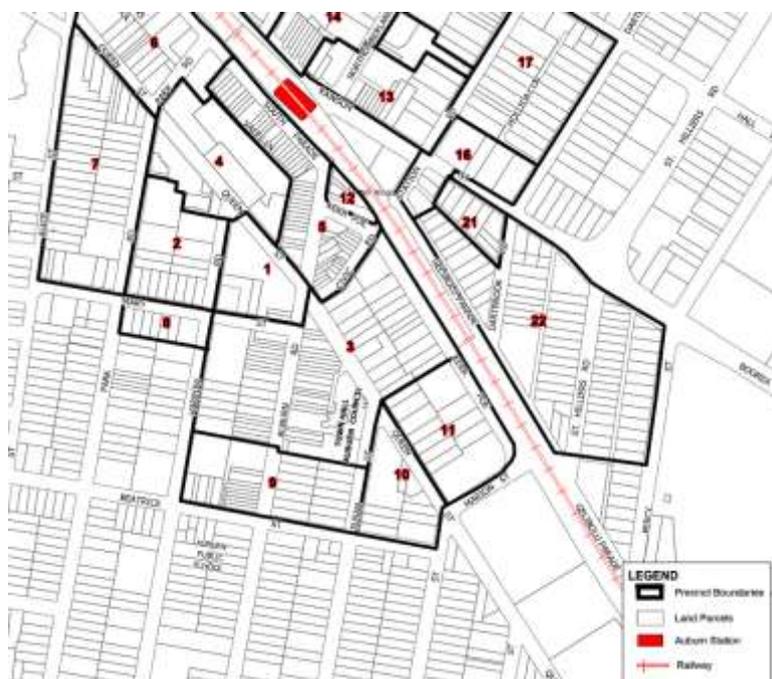
The proposal is consistent, or has justifiable inconsistencies, with the relevant actions and provisions of the following strategic planning studies, plans and strategies:

- Draft Auburn and Lidcombe Town Centre Strategy
- Auburn Employment Lands Strategy (Dec 2015)
- Draft Auburn LGA Traffic and Transport Study (Sept 2013)
- Cumberland Community Strategic Plan 2017 – 2027

**A. Draft Auburn and Lidcombe Town Centre Strategy (Dec 2016)**

The Draft Auburn and Lidcombe Town Centre Strategy (the strategy) was prepared in recognition that Auburn and Lidcombe Town Centres are at a critical transition point. Substantial increases in density (floor space ratio, FSR) were made in these two local centres in 2014, however, the resulting development to date, while meeting minimum requirements, has not provided the expected contribution aesthetically or functionally. It became apparent that there is a disconnect between the heights and FSRs, with heights often insufficient to encourage the quality of design anticipated with the existing FSR.

The strategy will be further informed by a traffic, transport and access study for Precincts 21 and 22 which include the subject site to which the proposal applies, and a view line analysis around the iconic Gallipoli Mosque for Precincts 21 and 22 as shown in Figure 20. This Figure also shows that the site to which the proposal applies adjoins ‘Precinct 22’.



**Figure 20 – Precinct Map for Auburn Town Centre**  
(Source: Council records, July 2017)

Council is in the process of currently engaging consultants to progress with these studies.

The studies will inform traffic, access and transport issues, and protection of view lines and sightlines, the zoning, FSR and building height for land adjoining precinct 22.

### **B. Auburn Employment Lands Strategy (Dec 2015) (Auburn ELS 2015)**

The *Auburn Employment Lands Strategy* (Dec 2015) was prepared by the AEC Group for the former Auburn City Council.

The following study points are considered as relevant to this proposal:

- The *Auburn ELS (2015)* identifies the subject site as 'Category 3 - lands that could be investigated for alternative uses' (p.15). The former Cumberland industries were located on this site. The site is further considered as an 'isolated' industrial land parcel located east of Gelibolu Parade.
- The *Auburn ELS (2015)* further identifies the land is located within Precinct 1 – Queen Street (p.101), a small sized strategic employment lands precinct having local significance with an approximate area of 6 hectares.
- The southern part of 'Precinct 1- Queen Street' (south of the railway) located along Kerr Parade and Queen Street is currently zoned IN2 Light Industrial. However, part of this site (facing Kerr Parade) is likely to be rezoned for high density residential uses (Queen Street Planning Proposal) while the other part will remain and continue existing light industrial business park uses.
- The *Auburn ELS (2015)* in section 9.0 states the following guiding principle:

*“Overall it is recommended that Council support businesses located in fragmented and orphaned industrial sites. Maintain those isolated precincts which are performing a functional employment role for as long as they are required by business in-situ. Institute flexible planning controls to support businesses so as not to precipitate their relocation. In the long term investigate alternative land uses, as those fragmented precincts that abut residential will conceivably struggle to attract new occupiers, particularly when the current occupiers vacate (p.64)”.*

In light of the above, this proposal to amend the *Auburn LEP 2010* is consistent with the *Auburn ELS Study 2015's* recommendations above as:

- There would be no loss of locally significant 'Category 3 - Employment Lands' within the 'Precinct 1 – Queen Street' because the proposal does not propose to change or modify the existing zoning of the site;
- There would be no significant impact on the existing character of Auburn's employment lands or Auburn Town Centre.

### **C. Draft Auburn LGA Traffic and Transport Study (2013)**

Council's *Draft Auburn LGA Traffic and Transport Study (2013)* (draft Traffic study) was prepared by Hyder Consulting Pty Ltd for Council, and modelled a number of key intersections across the Auburn LGA. The draft traffic study identified poor Levels of Service (LoS) (i.e. long delays) at a number of intersections, and made recommendations about future intersection improvements within (the then) Auburn city.

The St Hilliers/Rawson Street intersection (classified as state/regional roads) is located within approximately 50 metres of the site, and is a key intersection that provides access to the surrounding residential area to which the site is located to and from St Hilliers and Rawson Street. The draft Traffic study identifies the following network issues for this intersection (p.149):

“

- *Intersection is currently operating at near capacity (LoS D) during PM peak.*
- *Major traffic was observed on east – north movement between Rawson Street and St Hilliers Road (3000 to 3200 vehi/hr);*
- *Model shows that eastbound traffic on Rawson Road is experiencing queues and delays during AM peak (LoS F); and*
- *Left turn slip lane from Rawson Street on to St Hilliers Road is currently un-signalised.”*

The draft study in p.164 recommends the above intersection to be prioritised for an upgrade in consultation with Roads and Maritime Services (RMS) in the medium term.

A report summarising the draft Traffic study and next steps required in finalising funding and implementation arrangements were reported to Council's meeting of 11 December, 2013 (Item 409/13) which resolved to:

“

- *Instruct Council staff to consult with the RMS to seek comment on the draft study and proposed funding arrangements with the outcomes to be reported to Council after the consultation; and*
- *Utilise the final Council endorsed Auburn LGA Traffic and Transport study to inform the upcoming review of the Auburn LEP 2010”.*

As resolved, Council sought comments from RMS on the Council's draft Traffic study. The RMS's preliminary response to Council indicated there is no certainty about the timing of an upgrade for this intersection.

Notwithstanding the above, Council is currently pursuing the matter with RMS at a higher level to obtain a suitable outcome and discuss funding options for Council to proceed with Council's draft Traffic and Transport study recommendations.

Given this, it is unlikely that the upgrade for St Hilliers Road and Rawson Street intersection would be prioritised or funded by the RMS within the short term unless a suitable agreement is reached between Council and the RMS to expedite this matter.

#### ***D. Cumberland Community Strategic Plan***

The *Cumberland Community Strategic Plan 2017- 2027* was adopted by Cumberland Council in 2017.

The objectives and intended outcomes of the planning proposal request support the Community Strategic Plan by enabling increased opportunities to create employment and include greater flexibility of uses for existing employment lands located within and around the established local centres which are reasonably well serviced by public infrastructure and transport.

The proposal is consistent with the plan’s strategic goals ‘A strong local economy (goal 4) as shown in Table 3 below:

Relevant CSP Strategic Goals	Relevant CSP outcome/s	Council’s commitment to the outcome	How the proposal achieves the outcome
<p><b>A strong local economy (Goal 4)</b></p>	<p>We have a strong and diverse local economy supported by a network of small business.</p> <p>We have access to great local education and care services</p>	<p>A mix of shops and businesses are encouraged in our town centres and employment lands.</p> <p>Council continues to advocate on behalf of our growing community for continual increases in access to education to all.</p>	<p>The proposal proposes an additional permissible use on site within an existing IN2 light Industrial zoning.</p> <p>The site is located within <i>Precinct 1 – Queen Street</i> and is <i>Category 3 - Employment land</i> as identified under the <i>Auburn ELS (2015)</i>.</p> <p>This enables Council to maintain the existing IN2 Light Industrial zoning for the respective employment lands and introduce a use that is more intensive which generates employment (jobs) and also fulfil the local education needs of the wider community within Cumberland.</p>

**Table 3** - Consistency with *Cumberland Community Strategic Plan 2017-2027*

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (deemed SEPPs) deal with issues significant to the state of New South Wales. The Proposal is consistent with the applicable SEPPs and deemed SEPPs including:

- *SEPP Infrastructure (2007)*
- *SEPP 55 – Remediation of Land*

The planning proposal application is consistent with the applicable SEPPs and deemed SEPPs. Consistency of any future development proposals with SEPPs and deemed SEPPs would be determined at the development application/assessment stage.

A full checklist analysis of the proposal’s consistency with these SEPPs is provided at **Appendix 13**.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117)**

Section 117 directions are directions to Councils from the Minister for Planning and Environment that need to be considered or given effect to in the preparation of draft LEPs.

The proposal is consistent with the s.117 directions including:

- Direction 1.1 - Business and Industrial zones;
- Direction 2.3 - Heritage Conservation
- Direction 3.4 - Integrating land use and transport;
- Direction 4.1 - Acid Sulphate Soils;
- Direction 4.3 - Flood Prone Land;
- Direction 5.10 - Implementation of Regional Plans
- Direction 6.3 - Site Specific Provisions; and
- Direction 7.1 - Implementation of *A Plan for Growing Sydney*.

A full checklist outlining the consistency of the application with the s.117 directions is at **Appendix 13** of this report.

#### **4.3.3 Section C – Environmental, social and economic impact**

***Q7. Is there any likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No. The site to which the proposal applies is not located within a critical habitat or threatened species, populations and ecological communities and would not result in adverse impacts to such communities.

***Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

Yes. The proposed development on site is considered as a 'traffic generating development' under *SEPP (Infrastructure) 2007*. Comments from the Roads and Maritime Service (RMS) would be required, should the proposal be progressed at Gateway. Should the proposal proceed, the traffic impacts would be further assessed in detail at the DA stage.

If the planning proposal request is to be progressed, an updated traffic report would be required, that considers impacts of the traffic increases on the Rawson/St Hilliers intersection on the traffic figures used in the September 2014 Hyder Study '*Increased Floor Space Ratio Controls for certain land zoned B4 mixed use and R4 High density residential within The Auburn Local Government Area*' (September 2013).

This will require the proponent to undertake further modelling using the increased FSRs that resulted from LEP Amendment 8. It is expected that this would show the need to improve the Rawson St/Boorea St/St Hilliers Rd intersection to support the proposal. If this were the case, it may require a 'Planning Agreement' to be negotiated with Council and potentially with RMS should the proponent take this path.

## Noise

The proposal may need to consider any anticipated noise impacts generated as a result of the railway when considering the design of the proposed educational establishment. The proponent intends to mitigate the noise impacts via the design of the building and undertake any façade improvements at the DA stage in accordance with *SEPP (Infrastructure) 2007* requirements, and associated '*Development Near Rail Corridors and Busy Roads – Interim Guidelines*'.

## Flooding

The proposal may need to consider any flooding impacts generated as a result since the site is partially affected by flooding. Since the proposed site is already developed it is not likely to result in an impact. However, given that an educational establishment is proposed on the site as an additional use the use is considered as an 'essential community facility' in accordance with section 6.0, Stormwater Drainage Part of Council's *Auburn DCP 2010* (refer to section 3.2.4 for more discussion) and Council's comments on the proponent's flood report at section 5.2 of this report.

Other issues as a result of the proposal's visual impact to the public realm, scale and built form of the proposed development would be managed within the existing building's footprint. The site's interphase with the existing residential area is buffered by a part laneway and is not anticipated that significant impacts are likely to occur.

### **Q9. *Has the planning proposal adequately addressed any social and economic effects?***

Yes. Though a net community benefit assessment has not been undertaken, the proponent outlines the social/economic benefits to the wider Cumberland Community as a result of the proposal. The community benefits are outlined in the proponent's planning proposal at **Appendix 1** (p.40 and 41) of the report.

## **4.3.4 Section D – State and Commonwealth interests**

### **Q10. *Is there adequate public infrastructure for the planning proposal?***

Yes. The site is located in Percy Street which is currently served by existing roads and infrastructure services, utilities and public transport.

The proposal does not propose to modify the existing building located on the site significantly along Percy Street. However, since the proposed additional use 'educational establishment' is a more intensified use and is not an industrial use and it may result in some impacts on public infrastructure such as increased traffic volumes on immediate and surrounding local roads network, increased passenger trips on bus and light vehicles, contributing to traffic congestion during school peak hours at the intersection of St Hilliers Road, Rawson and Boorea Streets. However, the impacts of traffic generated by the proposal are not expected to compromise the safety or function of the road network since there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposal.

***Q11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination, and have they resulted in any variations to the planning proposal?***

Consultation will be undertaken with relevant State and Commonwealth Public Authorities should a Gateway Determination be issued by the Department of Planning and Environment.

The proposed consultation with the required agencies is discussed further in Community Consultation section of this report in section 7.0.

## 5 Assessment of Proponent Studies

Following Council's preliminary and post lodgement comments, Council staff has further assessed the supporting studies based on the revised provisions.

### 5.1 Revised Transport Impact Assessment (GTA) July 2017

The GTA consultants revised the Traffic Impact Assessment following Council's preliminary and post lodgement comments provided on 15 May and 5 June 2017 (refer to Appendices 8 and 9).

Council's engineers have further reviewed the study, and have confirmed that the requested information has been provided to Council's satisfaction for the proposal's assessment.

The following are noted for the assessment:

- The proposed development is considered as a traffic generating development that would need to be referred to the Roads and Maritime Services (p.22); and
- The additional intersections requested have been analysed with treatments in p.8:
  - Dartbrook Rd /Rawson St intersection (Left in/Left out).
  - Station Road/Gelibolu Parade turn (impacts of vehicles accessing the precinct through this left turn since there is no right turn into the precinct from Rawson Street west).
  - Station Road / Rawson Street.
- Page 18 shows 45 on-site car parking provisions (including pick up drop off facility) which is considered as satisfactory, however, this is subjected to further analysis at the DA stage.
- Friday prayer times of the mosque has been analysed in Table 2.6 (p.11) even though this is outside normal peak periods. This is the critical period for St Hilliers Rd and Dartbrook Rd. The St Hilliers Road southern approach queues has been analysed during prayer times which is satisfactory but subject to further assessment at the DA stage.
- The site is heavily constrained by access in and out of the 'Gelibolu Precinct' area where the site is located.
- Identifies a total of 246 unrestricted on street car spaces along different streets (p.10).
- The precinct is serviced by a number of public bus transport routes which are within approximately 950m walking distance (15-20 minute) to the nearest bus stop at Queen Street near Auburn Road (p.21). However, the site is further located approximately 750-800 metre walking distance from the Auburn Railway Station.
- Table 2.3 (p.8) shows a Level of Service D during Midday, at peak and at the intersection of Boorea Road, St Hilliers Road/ Rawson Street intersection.
- Provision for bicycle parking as part of any future development on site is recommended (detail at DA stage)

- There is a short fall of about 170 car spaces during Friday mosque prayer peak times (p.11) even with a supply of 406 car spots along the existing streets with the inclusion of the Rawson Street car park.
- The proposal is anticipated to generate 376 vehicle trips per hour during any peak time. This exceeds the total on-street car parking capacity and demands for drop off and pick up facilities (Item iv, p.29).

## **5.2 Revised Flood Impact Assessment (Northrop) July 2017**

The following concerns are raised:

The detail identification survey submitted shows that approximately a portion of the site (north eastern part) is located within or below the Probable Maximum Flood (PMF) level of 13.2 metres.

The Flood Report submitted does not relate to the site's proposed additional use for the site, and instead considers an 'industrial and commercial use' for the proposed site which is not considered relevant to the proposal's assessment and would need to be further revised to Council engineer's satisfaction should this proposal is to be supported by Council.

## **5.3 Revised indicative concept plans (ADS) (July 2017)**

Council's development and planning sections have assessed the plans and the following concerns are raised:

### **A. Proposed Building Height**

The existing building's revised concept plans show two storeys and the proposed development shows a 3<sup>rd</sup> level (roof top) which includes a cafeteria and toilets with open space.

This is likely to result in an additional storey to the existing building. The proponent's consultant has conveyed in writing that the existing building's current and proposed heights are 9.5m on 10 July 2017.

However, the proposed revised plans do not indicate or show the maximum building height, nor do they illustrate how the proposed development would relate to the adjacent surrounds including the iconic Auburn Gallipoli Mosque, the residential aged care facility, the low density residential area and Wyatt Park. These matters would need to be essentially addressed by the proposal

Currently, the site does not have a maximum building height control for the IN2 Light Industrial zone.

### **B. SEPP (Infrastructure) 2007 provisions**

Council's Development Assessment division has raised if the site's proposed additional use has complied with the following guidelines stipulated by *Clause 32 of SEPP (Infrastructure) 2007* for educational establishments. These guidelines include:

- “ (a) *Schools Facilities Standards – Landscape Standard - version 22 ( March 2002)*
- (b) *Schools Facilities Standards – Design Standard (Version 1/09/2006)*
- (c) *Schools Facilities Standards – Specification Standard (Version 01/11/2008)*”.

This was raised with regards to considering the site's existing location to a busy railway line, site constraints and context, and given the proponent would need to work around adapting the proposed use within an existing development to proceed as a DA with consent or complying development.

- **Open space/play space provisions for the site**

Council officers are concerned that the open space provisions proposed within and outside the building as illustrated at the roof top and ground floor levels of the existing building may not be adequate. The proposed open space/play space provided at the ground floor amounts to approximately 16% of the site area.

- **Noise provisions**

Arrangement of spaces within the school would need to be considered with relevant façade treatments to mitigate noise impacts as a result of the site's proximity to the western railway line, and to meet measures in accordance with '*Development near rail corridors and busy roads*' as per *SEPP (Infrastructure) 2007* provisions.

The proponent has addressed and acknowledged these matters within the proposal in request to achieve via the proposed design of the development which would be subject to further consideration at the DA stage.

## **5.4 Detailed Site Investigation report (Australian Geo Technical) (May 2017)**

The findings of the detailed site investigation and results of the chemical analyses, “*does not indicate that the site poses a risk to human health or the environment and therefore the site is considered suitable for the proposed private education institution* (refer to section 15, Appendix 5)”.

The report also confirms “*that the chemical analyses carried out for the soil beneath the subject site do not indicate that the site has been contaminated by the past or present activity*” (refer to section 15, Appendix 5).

However this matter would be further subjected to detailed assessment by Council should an application for the proposed development is lodged at the DA stage.

## 6 Implications of the Proposal

### 6.1 Proposed 1.2:1 FSR with an additional permissible use

Council staff raised concerns with regards to the proposed 1.2:1 FSR (refer to Council's response dated 5 June at **Appendix 9** of this report).

In response, on 3 July, the planning proposal request no longer seeks an increased FSR of 1.2:1. (refer to **Appendix 10**).

Should Council support the proposal, the original planning proposal request lodged considered for the proposal's assessment would need to be revised accordingly to reflect the amended FSR provisions along with relevant supporting studies and plans.

### 6.2 Building Height

The site is not currently subject to a building height control due to its IN2 Light Industrial zoning. However, should an addition to the rooftop as per the revised concept plans be sought, or the existing building is demolished and a new building is constructed for the proposed educational establishment, the height of the existing building (advised in writing to be 9.5m) would be exceeded.

This would have the potential to impact on the local character, and in particular, on view lines to the iconic Gallipoli Mosque. The base level of the dome of the Gallipoli Mosque is 9.8 metres above ground level. This height was used to set the height limit for the approved residential aged care facility adjoining the mosque that is currently under construction.

Council is undertaking a view line analysis in relation to the iconic Gallipoli Mosque, to guide the finalisation of the *Auburn and Lidcombe Town Centre Strategy*. Without the completion of this work it is recommended that a maximum building height be set for the site, at 10m or up to 12m (equivalent to 3 storeys). This could be reviewed in the finalisation of the Town Centre Strategy.

However, it is also recommended that this could be amended as part of this proposal request, if the proponent provides information to support a greater maximum height, including graphic view line analysis that demonstrates that the amended maximum height would not have an adverse impact on the important views to the Auburn Gallipoli Mosque in particular, and Wyatt Park and the surrounding residential area.

### 6.3 Traffic, access and car parking

The revised 'Transport Impact Assessment' (July 2017) prepared by GTA generally fulfils issues and concerns raised for the proposal by planning and engineering staff. However, the following matters are raised as matter of concern:

#### Traffic and Access

Council is currently undertaking strategic studies in relation to traffic and access transport for the Gelibolu Precinct as a whole, from Station Road to Wyatt Park, to guide the finalisation of the *Auburn and Lidcombe Town Centres Strategy*. It is preferable that the traffic implications of this proposal be considered in the wider context of the whole precinct. Refer to Q8 of section 4.3.3 of the report for further information.

### 6.4 Flooding

The Flood Report (July 2017) submitted by Northrop addresses the requirements for an industrial and commercial use and not for an educational establishment which is currently proposed for the site. This is considered as not relevant for the proposal's assessment.

Should the proposal be supported by Council, the proponent would be required to submit a revised flood impact assessment study to Council Engineer's satisfaction prior to proceeding with the proposal.

### 6.5 Active open space/play space

Council raises the following:

- The proposal does not demonstrate adequate open space/play space at the ground level for the proposed educational establishment on the revised concept plans. Hence, Council recommends that the proponent reduce the intensification (reduce classrooms and staff) of the proposed development (educational establishment) to meet adequate open space requirements which is essential for a healthy environment of the students.
- The proposed revised concept plans and artist impressions (at **Appendix 3**) would need to be further revised to illustrate whether the building's proposed open space/play space is passive or active and include a percentage amount for open space/play space.
- Proposal's reliance on Wyatt Park is also noted for active open space/play space uses to create a synergy between the proposed educational establishment and the Park (refer to p.23 of **Appendix 1**). However, no discussions with Council staff have been undertaken to determine Council's views on this, nor determine the capacity of the play space to do so as proposed.

#### The Draft Wyatt Park Plan of Management

This proposed draft Wyatt Park Plan of Management is scheduled to be exhibited late 2017.

Any relevant future recommendations proposed as a result of this draft Plan of Management would need to be considered given the proposed development's location and proximity to the park.

## **6.6 Site Contamination**

The detailed site investigation report prepared by Australian Geo Technical has indicated that the site does not *“poses a risk to human health or the environment and therefore the site is considered as suitable for the proposed private education institution”* in section 3.2.5 of this report.

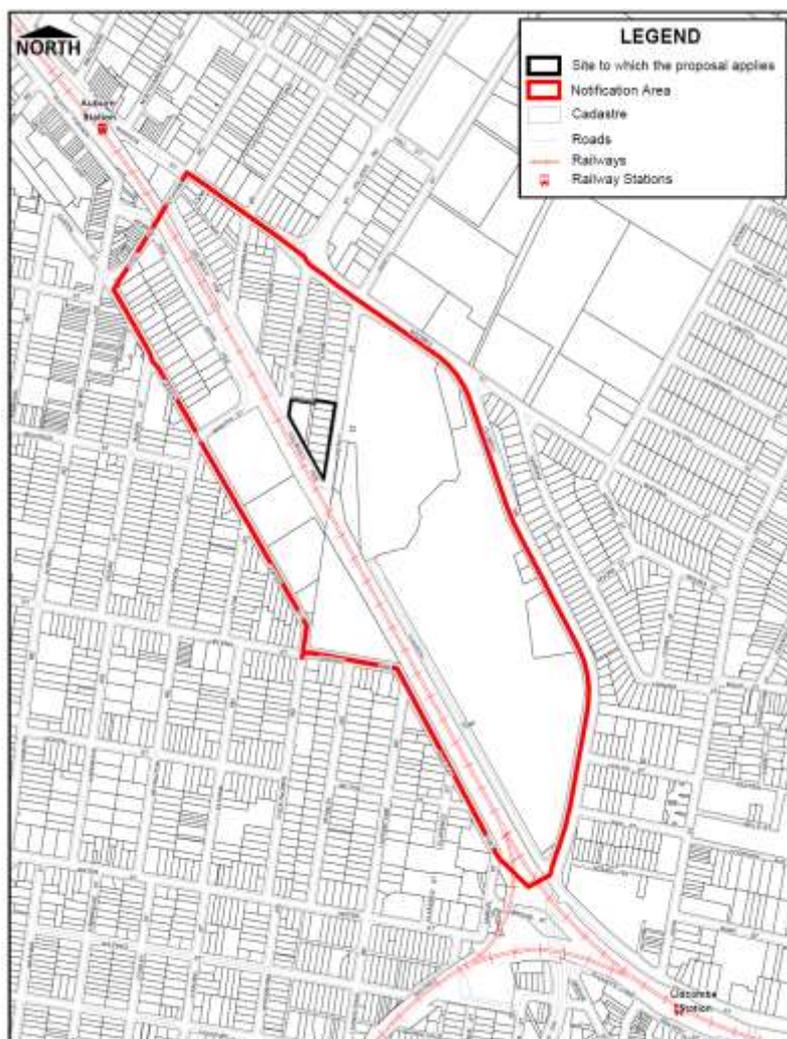
This matter would be subject further consideration at the DA stage when application is lodged for the proposed development to meet requirements under *State Environmental Planning Policy No. 55 – Remediation of Land*.

## 7 Community Consultation

The proposal was publically exhibited (pre-Gateway) for a period of 30 days from 1 June 2017 to 30 June 2017 in accordance with the adopted *Cumberland Council's Planning Proposal Notification Policy*.

The exhibition included:

- Notification of the public exhibition in the main local newspaper, the Auburn Review;
- Exhibition of proposal and all supporting documentation at Council's Administration Centre and at Auburn and Lidcombe libraries;
- Notification and exhibition of the proposal and all supporting documentation on a dedicated page (Have Your Say) on Cumberland Council's website,
- Notification by mail of the public exhibition to adjoining and nearby land owners, of all land shown in Figure 21 below.



**Figure 21** – Notification area of the proposal request

A total of twenty six (26) written submissions including a signed petition were received. The petition had 2305 signatures. Twenty Four (24) of the submissions, including the petition, were in support of the proposal, one submission objected while one submission did not make a reference to the proposal. These submissions included support from both local and wider Sydney based community members and organisations. The submissions received briefly summarised as follows in Table 4:

Submission	No
Does not make a reference to this proposal	1
In support	23
Petition in support (including 2305 signatures)	1
Objection	1
Total	26

The key reasons for support were:

- the need for more schools to support the increasing young population;
- the lack of available spaces at other Muslim schools in Sydney.

One submission objecting to the proposal was received from local residents. The key reasons for the objection were:

- the central premise for the use of an additional permitted use for ‘educational establishment’ is to protect industrial land for industrial purposes. This premise is false, as once a school is located on the site it will never revert to industrial uses;
- the retention of the industrial zone would allow the incorporation of uses in the future not related to an ‘educational establishment’;
- the proposal to locate a school in an industrial zone would result in safety issues for the children;
- the proposal would set an adverse precedent for other industrial zones within Cumberland LGA, risking the integrity of our employment lands.

A table including submissions and their summarised content is included at **Appendix 11** of this report.

Council will consult the proposal with Roads and Maritime Services (RMS), Office of Environment and Heritage, Transport for NSW should the planning proposal proceeds to the s.56 Gateway Determination stage.

## 8 Recommendation

The report recommends that the planning proposal request for 2 Percy Street, Auburn (consisting of 10 lots stated in section 2.1 of this report) **be supported** subject to the following:

There is merit in the proposal in that it assists in the provision of much needed school facilities in the area, to support the rapid population growth. The merits include the following:

### **The proposal is consistent with NSW State Government policies**

The proposal was assessed against the requirements of the following state strategies, plans and directions:

- *A Plan for Growing Sydney*;
- *Draft West Central District Plan*;
- State Environmental Planning Policies (SEPPs);
- Ministerial Directions under s.117 of the *Environmental Planning and Assessment Act 1979*.

The proposal is generally consistent, or justifiably inconsistent with the above:

- The proposal plans for independent school facilities to assist in meeting the needs of the significant growth in demand forecast for Auburn;
- The site's industrial use is 'orphaned', isolated from other industrial uses, and close to a centre.
- The site will nevertheless contribute to employment by providing around 50 jobs in proximity to a centre;
- The proposed educational institution is close to a centre and rail station; and
- The contamination report found that *'the site is considered suitable for the proposed private education institution'*.

### **The proposal is consistent with the Auburn Employment Lands Strategy (Dec 2015)**

The proposal is consistent with the recommendations and principles included within the strategy for locally significant employment lands (*Precinct 1 - Queen Street*) are considered as *'Category 3 Employment Lands – lands that could be investigated for alternative uses'*. The proposal seeks to introduce an educational establishment as an additional permissible use to an isolated land parcel currently zoned IN2 light Industrial within the Cumberland Council area.

Consequently, it is recommended that should Council supports the Planning Proposal Request (as recommended by the Cumberland Independent Hearing and Assessment Panel), further additional work and revised information would need to be submitted by the proponent to progress the proposal to the next stage.

This is further subject to the provision of the following essential documentation to the satisfaction of Council officers for consideration of the proposal:

- Update and revise the existing planning proposal request to reflect the reduced 1:1 FSR amendment (as agreed by the proponent on 3 July);
- Update and revise traffic and access provisions and conclusions to the satisfaction of Council engineers as discussed incorporating further modelling taking into account

the increased FSRs that resulted from LEP Amendment 8 to *Auburn LEP 2010* and taking into account any other revisions to the planning proposal request;

- Update and revise Flood Impact Assessment prepared by Northrop (July 2017) to address implications of *flood risk management* requirements under *Auburn DCP 2010* to the satisfaction of Council engineers;
- Revise proposal and concept plans including artist impressions to include adequate open/play space can be provided on site. This may require a reduction in student and staff numbers and intensity of the proposed development;
- Amend the site's maximum height of buildings to limit to 10m to relate to (Gallipoli Mosque's base level 9.8m height as illustrated in the *draft Auburn and Lidcombe Town Centre Strategy*) or propose a new maximum height of buildings and revise the proposal accordingly supported with justification. If the proposed development's maximum building height exceeds 10m and is not more than 12m (equivalent to three storeys), it is recommended that the proponent undertake a view line graphic analysis for the site considering the Auburn Gallipoli Mosque and surrounds (including Wyatt Park) to provide further justification of the amended maximum building height.

Revisions recommended above may require all or some documentation to be revised accordingly and submitted along with the revised planning proposal request accordingly to Council officers' satisfaction prior to proceeding to the next stage.

# **Appendix 1: Applicant's Planning Proposal Request**

Reference T047100/2017

# **Appendix 2: Design Statement and School program**

Design Statement – T047119/2017

Proposed School Program – T047102/2017

# **Appendix 3: Masterplan, Concept Plans and Artist Impressions (July 2017)**

Revised Masterplan and Artist Impressions - T068140/2017  
Revised Concept Plans - T064709/2017

# **Appendix 4: Revised Transport Impact Assessment (July 2017) GTA**

Reference T065270/2017

# **Appendix 5: Detailed Site Investigation (May 2017) by Australian Geo Technical**

Reference T047116/2017

## **Appendix 6: Original Flood Information**

1. Former Auburn Council's section 117 direction justification report - T047117/2017
2. Bewsher consulting's letter dated to Council - T047115/2015







If there are any further queries to the above please do not hesitate to contact the undersigned –  
(02) 4226 3333

Kind Regards,

A handwritten signature in black ink, appearing to read "Carl Schulz".

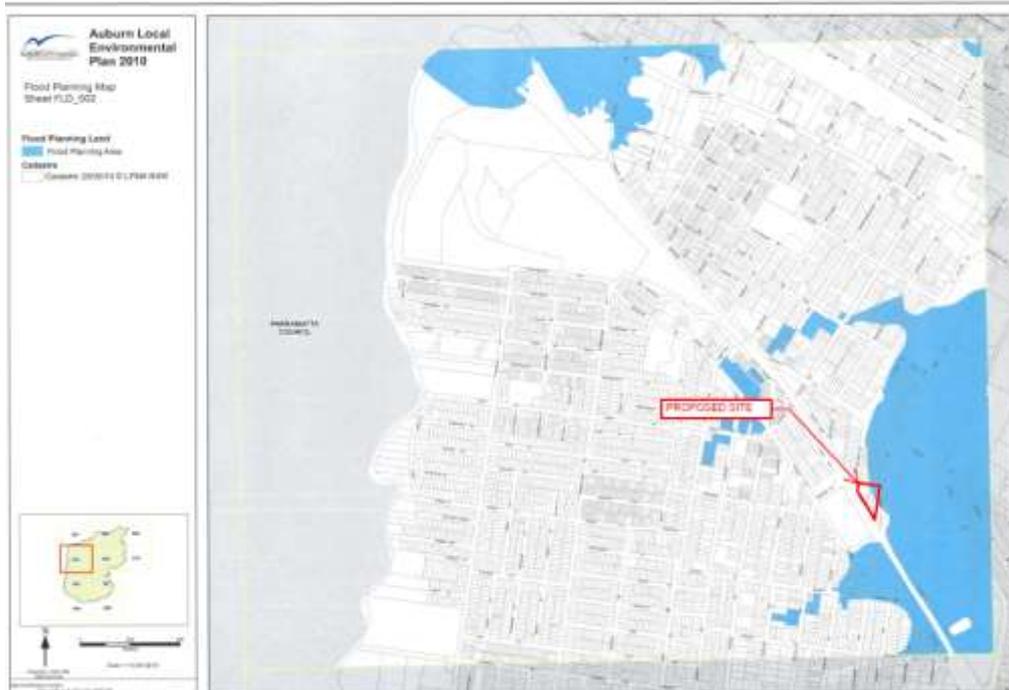
Carl Schulz B.Eng (Civil) MIE Aust

Civil Engineer

On behalf of Northrop Consulting Engineers

Enclosures:

1. Excerpts from study: Flood Planning Map – Sheet FLD\_002
2. Existing Site Survey



# Appendix 8: Council's preliminary assessment comments (15 May 2017)

Reference T068064/2017

## **Draft Auburn Local Environmental Plan 2010 amendment to permit an 'educational establishment' for 2 Percy Street, Auburn**

The draft planning proposal request (draft PPR) lodged by TPG Town Planning and Urban Design applies to 2 Percy Street, Auburn which is the subject site.

### **General Comments**

Council is undertaking strategic studies in relation to views, traffic and access for the Gelibolu Precinct as a whole, from Station Rd to Wyatt Park, as recently resolved by Council. Ad hoc proposals for changes to the planning controls for parts of this precinct would have the potential to impact the capacity, function and significance of this precinct. As such, we advise that Council will not be in a position to make any decision on future changes to the planning controls for this area until these studies have been completed (refer to Section 1 below for details of these studies). The studies will inform the preparation of a Council-initiated planning proposal that will include controls for this precinct.

Should you wish to proceed, despite the advice above, we have provided the following comments (both general and specific) on the draft planning proposal request below and on the following pages. Council's general technical planning advice on the draft planning proposal request is that the proposed rezoning option to include 'educational establishments' as an additional permitted use in the IN2 Light Industrial zone is not a long term strategic planning solution for the site (refer to sections 1 to 3). If a rezoning of the site is to be pursued, it is recommended that either an R2 Low Density Residential or an R3 Medium Density Residential zone be investigated for the site.

In this regard, the same LEP making processes would need to be followed even if the draft PPR proposes to introduce an educational establishment by seeking an adjoining zone.

### **1. Draft Auburn and Lidcombe Town Centre Strategy and associated studies**

The site to which the draft PPR applies adjoins the Gelibolu Precinct (Precinct 22) of Council's draft *Auburn and Lidcombe Town Centre Strategy* (the draft Strategy).

The draft Strategy was reported to Council's meeting of 21 December 2016 [Item 133/16]. Refer to further information at <http://www.cumberland.nsw.gov.au/wp-content/uploads/2016/12/agenda-21-december-2016.pdf>. Council will prepare a planning proposal to implement the draft Strategy provisions to amend the *Auburn LEP 2010*.

The draft Strategy proposes that Precinct 22 be rezoned from R2 Low Density Residential to R3 Medium Density Residential under *Auburn Local Environmental Plan 2010* (Auburn LEP 2010) (refer to <http://www.cumberland.nsw.gov.au/strategicplanning/> for more information) Any consideration of the potential for further density increases for the precinct would require additional studies. To

inform the final Strategy therefore, Council will be undertaking the following studies for whole of Precinct 22 in the near future:

- I. Detailed view line analysis; and
- II. Traffic and Access
  - This study will specifically include the subject site, as well as Precinct 22.

It is critical that any further development in this area consider the potential of and impacts on Precinct 22 and adjoining lands as a whole.

## **2. Auburn Employment Lands Strategy 2015 (Auburn ELS 2015)**

The 'Auburn Employment Lands Strategy 2015' (p.64) states the following:

*"Support businesses located in fragmented and 'orphaned' industrial sites. ...In the long term investigate alternative land uses as those fragmented precincts that abut residential will conceivably struggle to attract new occupiers, particularly when the current occupiers vacate".*

Any consideration of potential rezoning opportunities for the subject site needs to consider the *Auburn ELS 2015*. In this instance, the subject site can be considered for an alternative land use as it is an 'orphaned' industrial site.

## **3. Concerns**

The following concerns are raised about the proposal:

- Whether the proposed additional permissible use (educational establishment) is viable and is the best planning option for the site considering its strategic location and context.
- Whether the proposed additional permissible use (educational establishment) would create a precedent for other IN2 Light Industrial zones located within Cumberland Council area.
- Whether other viable employment uses other than educational establishments were considered for the site that are more compatible with the site's existing IN2 zoning, and relevant *Auburn LEP 2010* zone objectives.
- Whether a better planning outcome could be achieved by seeking a rezoning to the existing adjoining R2 Low Density Residential zone or to the proposed R3 Medium Density zone as recommended in the Draft Auburn and Lidcombe Town Centre Strategy. Both the existing and proposed residential zones under the draft Strategy permit educational establishments with development consent.
- Whether the subject site would be affected by the draft *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, should the proponent seek an adjoining zone to build a new educational establishment on site.

#### **4. Specific comments on the proposal**

##### **A. Cover page**

The existing cover titled 'planning proposal' would need to be corrected as 'planning proposal request' (PPR) since the proposal is a proponent-initiated planning proposal.

##### **B. Objectives and intended outcomes of PP (p.6)**

The 'education establishment' proposed for the draft PPR should further include details about number of classrooms proposed and number of students anticipated along with the age groups. This helps Council to determine the nature and size of the proposed educational establishment.

##### **C. Part 1: Objectives and Intended outcomes (p.9)**

- The objectives of the planning proposal request should be consistent with the objectives of the zoning being sought.
- Should indicate the key objectives of the proposal.

##### **D. Section 4.1.6 Traffic, parking and access issues (p.39)**

- Would need to undertake a traffic, parking and access study for the site, which:
  - Needs to demonstrate how traffic and parking requirements are to be met, if an educational establishment is proposed on site. This would depend on the capacity (how many students) of the school, and whether the proposed additional use is a traffic generating development as per Schedule 3 of *SEPP (Infrastructure) 2007*.
  - Should take into account the draft *Auburn LGA wide Traffic and Transport Study 2012* findings and recommendations in relation to intersections that would be affected by the proposed use/s.
  - The study needs to take into account the cumulative impact of traffic and parking related to:
    - Auburn Gallipoli Mosque, especially on Fridays;
    - The Council approved residential aged care facility proposed (DA 189/2015); and
    - Peak school times.

##### **E. Section 3.3.3 economic and social effects (p.39)**

- Need to revisit and revise the draft economic and/or social/community benefit accordingly depending on the objectives and intended outcomes.

##### **F. Other issues**

Should consider and address the following:

**I. Noise**

- Though the draft refers to noise guidelines (p.23), the proposal does not address how the site to which the proposal applies is consistent with noise issues considering the site's close proximity to the existing western railway line, and as per clause 87 requirements of the *State Environmental Planning Policy (Infrastructure) 2007*. The draft PPR will need to investigate if any noise impacts are anticipated, and propose any mitigation methods required.

**II. Contamination**

- Any PPR for the site will need to be consistent with the requirements of Clause 6 of *State Environmental Planning Policy No.55 – Remediation of Land*.
- A preliminary contamination assessment report would be required given the draft PPR proposes an educational establishment within an existing IN2 Light Industrial zone. The draft PPR should address if such a proposed use is suited for the site given its industrial nature, investigate if any impacts are anticipated, and propose any mitigation methods required.

**III. Flooding**

- The site to which the PPR applies is shown partly affected by flooding under Auburn LEP 2010's flood planning maps. Council's Engineering Division has further confirmed that the site to which the draft PPR applies is affected by Probable Maximum Flooding (PMF) of Haslam's Creek, and Council's adopted PMF level for the site is 13.2m Australian Height Datum (AHD).
- The PPR should address how the proposed use would comply with requirements of Chapter 6 of the Stormwater Drainage Part of the *Auburn Development Control Plan 2010 (Auburn DCP 2010)*, outline whether flood impacts are anticipated, and propose any mitigation methods required.
- Auburn DCP 2010 (Stormwater Drainage part) - Since schools (Educational Establishments) are considered as 'Essential Community Facilities' under Tables 5 and 6 of the Stormwater Drainage Part of ADCP 2010, and are not allowed within the Probable Maximum Flood (PMF area), a detailed flood report along with a survey to AHD of the property is required to be undertaken and submitted along with the proposal to ensure that the envisaged use/development on site is clear of the PMF.

**G. Consistency with the *Auburn Employment Lands Strategy (Dec 2015)***

- assess the draft proposal's consistency with the *Auburn ELS 2015 (December 2015)* guiding principles and recommendations.

- provide an analysis of the impact of any loss of industrial lands in the area and should address the relevant principles and recommendations in relation to the Queen Street Precinct (Precinct 1).
- consider the impact on employment numbers and employment type on the site.

#### **H. Consistency with the draft *Auburn and Lidcombe Town Centre Strategy (Dec 2015)***

- The draft PPR should analyse consistency with and any impact on the draft Strategy's objectives and provisions for the Auburn Town Centre in particular to Precinct 22.

#### **I. Other matters**

The following matters should also be considered when a draft PPR is prepared:

- Should refer to Department of Planning and Environment's '*A Guide to Preparing Planning Proposals*' as a reference. Council will provide a sample planning proposal request as an example.
- Should refer to the Department of Planning and Environment's draft Practice Note on '*Schedule 1 – Additional Permitted Uses - in the Standard Instrument*' dated September 2012 for further information to determine how the proposed additional use would be applied to the site to achieve the proposal correctly, should the proponent decide take this path.
- The proposal mentions the following plans:
  - *A Plan for Growing Sydney*
  - *Draft West Central District Plan*
  - *Auburn Precinct - Parramatta Road Corridor Urban Transformation Strategy (PRUTS)*

Though some strategic directions and actions are mentioned, the proposal does not clearly identify the consistency or applicability of the plans to the site and the draft proposal. This needs to be addressed.

- Should outline the draft PPR's consistency with the Council's *Auburn Community Strategic Plan 2013 – 2023*, and draft *Cumberland Council Community Strategic Plan 2017- 2027* directions and objectives.
- Should outline the PPR's consistency with all the *Sydney Regional Environmental Plans* (deemed SEPPs), and all State Environmental Planning Policies (SEPPs). Refer to sample PP provided for information.
- Should include source and page number if any direct references or statements are used.
- Though the applicable section 117 directions are mentioned, the proposal should outline consistency with all section 117 directions (Refer to sample PP request provided for information).

- References relating to River Road, Oatley (Former Bowling Club Site) need to be should be removed.
- It is recommended that section 3.2.2.3 *Auburn Town Centre Strategy 2031* be removed from the draft PPR since the provisions of this strategy have been incorporated into the *Auburn LEP 2010*.

#### **J. Lodgement requirements**

- Council's Planning Proposal Request form and checklist must be submitted when formally lodging the final PPR with Council.
- All requested supporting studies are to be submitted with the PPR at the time of lodgement with relevant copies.
- The fees for a PPR are outlined under Cumberland Council's *Revenue Policy including Fees and Charges 2016/17* (p.46 and 47). This fee is dependent upon the type of proposal. The proponent will need to check the relevant fee with Council prior to its lodgement.

***It should be noted that nothing in this advice should be construed as support for a request to change the land uses or zoning for No. 2 Percy Street, Auburn. Similarly, should a PPR be lodged for the site, Council reserves the right to seek further information as it sees fit to help inform a detailed analysis of any such proposal.***

# Appendix 9: Council's post lodgement comments (5 June 2017)



OUR REFERENCE  
CONTACT  
TELEPHONE

PP-2/2017  
M. Cologna  
9735 1355

5 JUNE 2017

Ms. Luiza Campos  
Architecture Design Studio Pty Ltd  
43/8 Avenue of the Americas  
Newington, NSW 2127.

Dear Luiza,

## **PLANNING PROPOSAL REQUEST FOR 2 PERCY STREET, AUBURN TO AMEND THE AUBURN LOCAL ENVIRONMENTAL PLAN 2010 (PP- 2/2017)**

Cumberland Council acknowledges receipt of the Planning Proposal Request (including fees) lodged for 2 Percy Street, Auburn by Architecture Design Studio Pty Ltd on behalf of the landowner (Master Plumbers Association of NSW), and the landowner's nominee (Gallipoli Education Solutions Limited) on Friday 19 May 2017.

Council has undertaken an initial review of the Planning Proposal Request based upon the information received and Council's pre-lodgement advice emailed on 15 May 2017.

### **1.0 General comments**

As previously advised, Council is undertaking strategic studies in relation to views, traffic and access for the Gelibolu Precinct (Precinct 22) as a whole, from Station Road to Wyatt Park, as recently resolved by Council. Site specific proposals without no broader strategic basis for parts of this precinct would have the potential to impact the capacity, function and significance of this precinct. As such, we advise that it will be difficult to support changes to the planning controls for this area until these studies are completed. The studies will inform the preparation of a Council-initiated planning proposal that will include controls for this precinct.

Council's general technical planning advice on the draft planning proposal request is that the proposed rezoning option to include 'educational establishments' as an additional permitted use in the IN2 Light Industrial zone is not a long term strategic planning solution for the site. If a rezoning of the site is to be pursued, it is recommended that either an R2 Low Density Residential or an R3 Medium Density Residential zone be investigated for the site.

Should the proponent wish to proceed with this planning proposal request as a short term planning solution, despite Council's preliminary advice provided, the following additional issues are raised with regards to the proposal:

### **2.0 Proposed 1.2:1 FSR**

Council notes that the proposal's existing Floor Space Ratio (FSR) is increased from 1:1 to 1.2:1. This FSR proposed was not discussed or was proposed for inclusion within the proponent's preliminary draft proposal request that was submitted for Council's comment. This is contradictory to the principle of introducing a proposed additional permissible use for the site. Should the

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proponent seeks to increase the existing site's principal development standards via an introduction of an additional permissible use the proponent should strongly reconsider rezoning the site as recommended, or withdraw this planning proposal request.

The proposed 1.2:1 FSR is further considered to be higher than the anticipated surrounding FSR of 0.75:1 (45% increase) for a R3 Medium Density Residential zone, and an existing FSR of 1:1 for an IN2 Light Industrial zone. The strategic merit for the proposed FSR increase is unclear, and in addition to the issues already identified with the 'Additional Permissible Uses' approach.

Council recommends the site's existing FSR 1:1 for an IN1 Light Industrial zone be maintained. The proposed FSR increase could further create a precedent for industrial zoned land within the Cumberland local government area.

### 3.0 Gross Floor Area

Should the proponent wish to proceed with the site's proposed 1.2:1 FSR, the proponent must specify the total Gross Floor Area (GFA) proposed (existing and proposed) for the 'Educational Establishment' so that development of the site would not occur in an adhoc manner. This provision is recommended via a written clause within the *Auburn Local Environmental Plan 2010*.

The proposed total 'Gross Floor Area' (GFA) would further need to meet on-site car parking requirements given the nature and size of the proposed development.

### 4.0 Concept Layout Plans

The proposal's concept layout plans should clearly indicate the proposed and existing GFAs of the proposed development, the railway line and north point, envisaged building form, its views and relationship to the surrounding streets, residential area, Gallipoli Mosque, and the Wyatt Park.

### 5.0 Active Open Space provisions

The proposed site's masterplan submitted shows the adjacent Wyatt Park as a 'playground' which is not the case. Please clarify how the planning proposal request (i.e. the proposed additional use) considers to utilise the existing Wyatt Park?

Wyatt Park is considered as a 'district open space' which is heavily used for sports and recreation purposes by schools within the Cumberland Council area. A masterplan for the entire Wyatt Park is also being prepared by Consultants in consultation with Council to upgrade and develop the park. Privatised use of a Council facility of this nature is unlikely to be supported, and the proposal should consider the provision of open space within the subject site.

### 6.0 Traffic and transport matters

Following a preliminary review of the proposal's Transport Impact Assessment (GTA Consultants), Council's Engineering Division has indicated that the following intersections would require further analysis and modelling:

- Dartbrook Rd/Rawson Street intersection (Left in/Left out);

- Station Road/Gelibolu Parade turn (impacts of vehicles accessing the precinct through this left turn since there is no right turn into the precinct from Rawson Street west); and
- Station Road /Rawson Street.

#### 7.0 Car parking requirements

Council's Engineering Division has noted the following:

- That car parking provisions proposed by GTA's Transport Impact Assessment study (p.16) is satisfactory, and would require further detailed analysis if the proposal proceeds to the Development Application (DA) stage.
- That Gallipoli Mosque's Friday prayer times would need to be considered and analysed for traffic modelling even though the times fall outside the normal peak times. The times are considered as a critical period for St Hilliers and Dartbrook Roads, Auburn
- The St. Hilliers Road southern approach traffic queues would further need to be analysed during the respective prayer times (11.45pm to 1pm).

#### 8.0 Flooding

Council's Engineers have requested the following additional information:

- The proposal needs to demonstrate Chapter 6 – Flood Risk Management requirements of the Stormwater Drainage Part of the *Auburn Development Control Plan 2010*. This issue was previously raised via Council's pre-lodgement comments (refer to previous comments issued on 15 May 2019).

**Note:** The former Auburn City Council's FSR Planning Proposal sought to rezone 'certain land' located within local centres of the LGA to R4 High Density Residential and B4 Mixed Use zones under the *Auburn Local Environmental Plan 2010*. The site to which the proposal applies and the immediate R2 Low Density Residential surrounds was excluded from the FSR Planning Proposal and does not include any relevance to the justification of this proposal.

#### 9.0 Detailed Site Investigation

The proposed 'detailed site investigation' report prepared by Australian Geotechnical refers to a review of the 'preliminary site investigation report' prepared by Aargus (Ref ES5840) dated 13 July 2014 in the Executive Summary. Please provide a copy of this report to Council as additional information for assessment purposes.

Please note that the advice contained in this correspondence is preliminary only. Following further detailed analysis of the planning proposal request, Council may request additional information or clarifications.



From this point onwards, Council will liaise with you with regards to the Planning Proposal for any future matters or clarifications. Please advise the landowner and the landowner's nominee (Proponent) accordingly.

The Planning Proposal request is currently on exhibition until 30 June 2017 and can be viewed on Cumberland Council's website [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au) under *Have Your Say* in accordance with the '*Cumberland Council Planning Proposal Notification Plan*'. Following this exhibition period, the assessment report will be considered by the Cumberland Independent Hearing and Assessment Panel, and then a Council meeting.

Should you have any further enquiries or would require an update on how the planning proposal is progressing, please do not hesitate to contact Council's Strategic Planner, Harinee De Silva on 9735 1232.

Yours faithfully,

A handwritten signature in black ink that reads "Monica Cologna".

**MONICA COLOGNA**  
**MANAGER STRATEGY**

CC: Existing landowner (Master Plumbers Association of NSW)  
CC: Gallipoli Education Solutions Pty Limited.

# Appendix 10: TPG's response dated 3 July 2017

3 July 2017

Our ref: 217.065

General Manager  
Cumberland Council  
1 Susan Street  
AUBURN NSW 2144



**ATTENTION: MONICA COLOGNA – MANAGER STRATEGY**

**SUBJECT: PP- 2/2017- RESPONSE TO COUNCIL'S COMMENTS ON PLANNING PROPOSAL REQUEST - 2 PERCY STREET AUBURN**

Dear Monica,

TPG Town Planning and Urban Design (TPG) has prepared this letter in response to Council's correspondence dated 5 June 2017 providing comments based on its initial review of Planning Proposal Request PP- 2/2017 (PPR) submitted to Council on 19 May 2017.

## **1. Background**

The PPR seeks to amend the *Auburn Local Environmental Plan 2010* (ALEP 2010) to include 'Educational Establishment' as an additional permitted use on land at 2 Percy Street, Auburn (*the subject site*). The subject site is currently zoned IN2 Light Industrial under the ALEP 2010 and educational establishments are currently prohibited in this zone.

Gallipoli Education Solutions, is working in partnership with the Turkish Government to deliver a new school on the subject site to support the educational needs of the local population. A school in this location would benefit from synergies with the nearby Auburn Gallipoli Mosque and the Gelibolu Home aged care facility currently being constructed opposite the site.

This planning approach and the background to the proposal were discussed at a meeting with Council officers, including Monica Cologna (Manager Strategy), on 24 January 2017. As a result of this meeting the draft PPR was prepared and submitted to Council for comment on 27 February 2017.

At a meeting held on 18 April 2017 attended by the Department of Planning and Environment, the Applicant, TPG and Council, the planning of the broader precinct was discussed. At this meeting the intended PPR approach of including the additional use of 'Educational Establishment' on the subject site under Schedule 1 was raised. At this point in time, Council did not indicate any objections or suggest it had an alternative approach.



Council provided pre-lodgment advice in response to the draft PPR on 15 May 2017. This advice recommended the Applicant to investigate potential for an R2 Low Density Residential or an R3 Medium Density Residential zone for the site as an alternative to allowing for an additional use under Schedule 1 of the ALEP 2010. Council also recommended additional technical studies be undertaken.

It is noted that the subject site is an isolated industrial site, identified as an 'orphan site' under the *Auburn Employment Lands Strategy 2015*. It is a well-established planning outcome to permit educational uses in a range of land use zones, as identified in State Environmental Planning Policy (Infrastructure) 2007. It is also recognised that there is limited long term viability for the operation of industrial land uses within the subject site given its context in the locality and surrounding land uses.

Therefore, while noting that Council has a desire to undertake broader strategic planning to determine the most appropriate land use zone for the site, the proposed planning pathway, to include an additional permitted use, was seen as appropriate in this context given the recognised suitability of educational establishments in a number of land use zones that may be applied to this site in the future. Therefore, the Planning Proposal sought to demonstrate the suitability of the subject site as an educational establishment, rather than seek a change in zoning as part of the subject planning proposal.

In response to Council's request, the Applicant commenced preparation of required supporting reports. The Applicant submitted a PPR to Council for consideration on 19 May 2017. This PPR sought to pursue an additional use of 'educational establishment' as originally proposed. The PPR was on informal exhibition until 30 June 2017.

**2. Response to Council Comments (Correspondence dated 5 June 2017)**

Council provided formal feedback on the PPR submitted on 19 May 2017 in its correspondence dated 5 June 2017 outlining a number of points for further consideration. The following table outlines TPG's response on behalf of the Applicant.

Summary of Council Comments	Applicant Response
<b>1.0 General comments</b>	
<ul style="list-style-type: none"> <li>As previously advised, Council is undertaking strategic studies in relation to views, traffic and access for the Gelibolu Precinct (Precinct 22) as a whole, from Station Road to Wyatt Park, as recently resolved by Council. Site specific proposals [with no] broader strategic basis for parts of this precinct would have the potential to impact the capacity, function and significance of this precinct. As such, we advise that it will be difficult to support changes to the planning controls for this</li> </ul>	<p>In its pre-lodgment advice in response to the draft PPR on 15 May 2017, Council refers to the Gelibolu Precinct (Precinct 22) with regard to long term strategic planning solutions for the subject site. TPG understands that the subject site is not located within this precinct, rather it is adjacent to it, as illustrated in Attachment 1, extracted from <i>draft Auburn and Lidcombe Town Centres Strategy, Appendix A – Auburn and Lidcombe Town Centre Precincts</i>.</p> <p>TPG does, however, understand Council's requirement to understand the implications of allowing the proposed use on the subject site and as will be demonstrated further in this letter, is seeking to allay Council's concerns with regard to matters such as traffic, parking and flooding.</p> <p>As identified in the <i>Auburn Employment Lands Strategy 2015</i>, the site is consistent with the description of an "orphan site".</p>



Summary of Council Comments	Applicant Response
<p>area until these studies are completed. The studies will inform the preparation of a Council-initiated planning proposal that will include controls for this precinct.</p> <ul style="list-style-type: none"> <li>• Council's general technical planning advice on the draft planning proposal request is that the proposed rezoning option to include 'educational establishments' as an additional permitted use in the IN2 Light Industrial zone is not a long term strategic planning solution for the site. If a rezoning of the site is to be pursued, it is recommended that either an R2 Low Density Residential or an R3 Medium Density Residential zone be investigated for the site.</li> </ul>	<p>The PPR has been prepared with due consideration for the contextual and strategic relationship between the subject site and surrounding precinct and the suitability of the site for the proposed use. The PP considers the evolving nature of the precinct and recognises the benefits of an educational establishment on this site given its relationship with surrounding land uses.</p> <p>Whilst it is recognised that Council is currently undertaking broader precinct planning, such processes offer little certainty with respect to timing for establishing the necessary land use zoning to achieve the Applicant's intended outcome within the desired timeframe. As such it is necessary for the Applicant to seek to establish appropriate land use permissibility in the interim to enable a Development Application to be lodged and the intended use to occur.</p> <p>While Council has put forward a position wherein the establishment of the proposed use should not occur in advance of the strategic planning processes being undertaken by Council, TPG has a differing opinion as it is recognised that it is likely that any proposed land use zone that is recommended for the site will permit educational establishments as a 'prescribed zone' under State Environmental Planning Policy (Infrastructure) 2007 and as such, it is assumed that at some point in the future, and subject to a rezoning that may or may address the broader locality, 'Educational Establishments' would be a permitted use on the site. TPG have made this assumption as there is adopted policy that recognises that the site is an 'orphan site' and not suitable long term for industrial uses and the SEPP (Infrastructure) 2007 makes educational establishments permissible in a wide range of land uses zones that would be contemplated in any rezoning of the site.</p> <p>It is considered that there are significant benefits associated with pursuing this Planning Proposal in advance of the broader strategic planning work that is being undertaken by Council. The current Planning Proposal addresses the broader implications of the proposed use and once adopted, will enable a Development Application to be lodged and a merit assessment undertaken.</p> <p>It is understood that the proposed school will provide a public benefit through the provision of a high quality educational establishment that will service the local community. In this respect, it is considered that establishing the permissibility of this use in the current Planning Proposal will add significant benefit to the strategic work that Council is undertaking as it will be able to appropriately assess social infrastructure</p>



Summary of Council Comments	Applicant Response
	<p>requirements for the locality and improve planning outcomes through understanding of key issues such as traffic and parking and ensure the future zonings and densities are appropriate.</p> <p>It must also be noted that this PPR will not preclude any parallel planning processes currently being undertaken by Council. The benefit of the current planning proposal is that Council can understand the full impacts of the proposed use as a specific land use option. In any other scenario, detailed assessment of the use of the site as an 'educational establishment' would not necessarily occur at the PP stage for a rezoning to an alternative zone (such as R2 or R3) as the proposed use would become 'permissible' along with a host of other land uses. In this respect, the planning pathway proposed provides Council with certainty with regard to the proposed use and its potential impacts, and also enables future strategic plans to be underpinned by real land use planning outcomes, rather than hypothetical scenarios of potential land use options according to the zoning.</p> <p>Notwithstanding Council's intent to undertake broader precinct rezoning, it is considered that the addition of an 'educational establishment' on the subject site under Schedule 1 of the ALEP 2010 is an appropriate interim means of achieving the PPR's objectives and intended outcomes in that:</p> <ul style="list-style-type: none"> <li>the PPR considers and responds appropriately to the broader strategic context of the site;</li> <li>the PPR provides for an additional use that is permissible in Council's favored R2 or R3 zone and therefore will be consistent with Council's broader strategic intent for the site; and</li> <li>the PPR will provide some level of certainty with regard to land use outcomes for the site and enable a further merit assessment of the proposal at Development Application.</li> </ul>
<ul style="list-style-type: none"> <li>Should the proponent wish to proceed with this planning proposal request as a short term planning solution, despite Council's preliminary advice provided, the following additional issues are raised with regards to the proposal:</li> </ul>	<p>Noted. Refer comments above and below.</p>
<p><b>2.0 Proposed 1.2:1 FSR</b></p>	
<ul style="list-style-type: none"> <li>Council notes that the proposal's existing Floor Space Ratio (FSR) is increased from 1:1 to 1.2:1. This FSR proposed was not discussed or was proposed for inclusion within</li> </ul>	<p>The PPR has been prepared in accordance with the requirements of Section 55 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) and associated guidelines 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals' prepared by the NSW</p>



Summary of Council Comments	Applicant Response
<p>the proponent's preliminary draft proposal request that was submitted for Council's comment. This is contradictory to the principle of introducing a proposed additional permissible use for the site. Should the proponent seek to increase the existing site's principal development standards via an introduction of an additional permissible use the proponent should strongly reconsider rezoning the site as recommended, or withdraw this planning proposal request.</p> <ul style="list-style-type: none"> <li>The proposed 1.2:1 FSR is further considered to be higher than the anticipated surrounding FSR of 0.75:1 (45% increase) for a R3 Medium Density Residential zone, and an existing FSR of 1:1 for an IN2 Light Industrial zone. The strategic merit for the proposed FSR increase is unclear, and in addition to the issues already identified with the 'Additional Permissible Uses' approach.</li> <li>Council recommends the site's existing FSR 1:1 for an IN1 Light Industrial zone be maintained. The proposed FSR increase could further create a precedent for industrial zoned land within the Cumberland local government area.</li> </ul>	<p>Department of Planning and Environment (DP&amp;E) in 2016.</p> <p>There are no requirements stated in the above legislation or guidelines that preclude a request to amend FSR in circumstances where an additional use is proposed to be included under Schedule 1 of an LEP. It is also noted that there is no nexus between a land use zone or permissible land use and maximum allowable FSR.</p> <p>The surrounding land R3 land has a maximum permissible FSR of 0.75:1 and is used predominantly for residential purposes. The proposed use of the subject site will result in a different land use outcome and built form typology. As such, the site's proposed use as a school necessitates a maximum FSR that is commensurate with the nature of that use and the intended built form outcome. In this regard, it is reasonable for the maximum permissible FSR on the site to respond to the specific circumstances of its intended use, noting that in this particular circumstance, the proposed maximum FSR can be inherently linked to the proposed use and drafted so the increase in FSR does not translate to other uses.</p> <p>Development plans provided demonstrate that the intended outcome is generally consistent with the existing massing of the current development on the site. This concept minimises impacts on the adjacent residential buildings through appropriate site planning that uses setbacks, the proposed car park, landscaping and an existing laneway to establish reasonable buffer between the school and existing residential uses, noting that the proposed use will be subject to a merit assessment at Development Application stage if supported.</p> <p>In consideration of the points raised above, and in response to Council's comments, the applicant is willing to remove the request to increase FSR from the PP if required by Council and will seek to retain the sites existing FSR of 1:1, which is reflected in refined plans provided as Attachment 2 – Updated Concept Drawings.</p>
<b>3.0 Gross Floor Area</b>	
<ul style="list-style-type: none"> <li>Should the proponent wish to proceed with the site's proposed 1.2:1 FSR, the proponent must specify the total Gross Floor Area (GFA) proposed (existing and proposed) for the 'Educational Establishment' so that development of the site would not occur in an adhoc manner.</li> </ul>	<p>As above, the applicant is willing to remove the request to increase FSR from the PP and will seek to retain the sites existing FSR of 1:1.</p> <p>Parking requirements are addressed further below.</p>



Summary of Council Comments	Applicant Response
<p>This provision is recommended via a written clause within the Auburn Local Environmental Plan 2010.</p> <ul style="list-style-type: none"> <li>The proposed total 'Gross Floor Area' (GFA) would further need to meet on-site car parking requirements given the nature and size of the proposed development.</li> </ul>	
<p><b>4.0 Concept Layout Plans</b></p>	
<ul style="list-style-type: none"> <li>The proposal's concept layout plans should clearly indicate the proposed and existing GFAs of the proposed development, the railway line and north point, envisaged building form, its views and relationship to the surrounding streets, residential area, Gallipoli Mosque, and the Wyatt Park.</li> </ul>	<p>Updated concept plans have now been provided which clearly illustrate north point as well as existing and proposed GFA. The broader master plan diagram has been provided as Attachment 3, submitted with the PPR, illustrates the relationship between the proposed school, railway line, residential area, Gallipoli Mosque, and the Wyatt Park.</p> <p>Refer Attachment 3 – Master Plan.</p>
<p><b>5.0 Active Open Space provisions</b></p>	
<ul style="list-style-type: none"> <li>The proposed site's masterplan submitted shows the adjacent Wyatt Park as a 'playground' which is not the case. Please clarify how the planning proposal request (i.e. the proposed additional use) considers to utilise the existing Wyatt Park?</li> <li>Wyatt Park is considered as a 'district open space' which is heavily used for sports and recreation purposes by schools within the Cumberland Council area. A masterplan for the entire Wyatt Park is also being prepared by Consultants in consultation with Council to upgrade and develop the park. Privatised use of a Council facility of this nature is unlikely to be supported, and the proposal should consider the provision of open space within the subject site.</li> </ul>	<p>The rooftop space proposed within the development concept will form the key recreation and activity space for students.</p> <p>The PPR makes reference to potential synergies between the use of the site as a school and nearby open space reserves such as Wyatt Park.</p> <p>It is intended that any future use of Wyatt Park by the school would be undertaken in consultation with Council. Any use of such facilities would responding as necessary to management policies as well as any established procedures for booking and utilisation of such facilities.</p> <p>It is reiterated that the school site does not propose to rely on the use of Wyatt Park for its operation but, if there was opportunity to utilise park for any purpose whether on a regular or ad-hoc basis, this would be subject to discussions with Council with regard to availability and suitability as per all schools within the Cumberland Council area...</p>



Summary of Council Comments	Applicant Response
<b>6.0 Traffic and transport matters</b>	
<ul style="list-style-type: none"> <li>• Following a preliminary review of the proposal's Transport Impact Assessment (GTA Consultants), Council's Engineering Division has indicated that the following intersections would require further analysis and modelling:                             <ul style="list-style-type: none"> <li>○ Dartbrook Rd/Rawson Street intersection (Left in/Left out);</li> <li>○ Station Road/Gelibolu Parade turn (impacts of vehicles accessing the precinct through this left turn since there is no right turn into the precinct from Rawson Street west); and</li> <li>○ Station Road /Rawson Street.</li> </ul> </li> </ul>	<p>To be addressed via separate correspondence.</p>
<b>7.0 Car parking requirements</b>	
<ul style="list-style-type: none"> <li>• Council's Engineering Division has noted the following:                             <ul style="list-style-type: none"> <li>○ That car parking provisions proposed by GTA's Transport Impact Assessment study (p.16) is satisfactory, and would require further detailed analysis if the proposal proceeds to the Development Application (DA) stage.</li> <li>○ That Gallipoli Mosque's Friday prayer times would need to be considered and analysed for traffic modelling even though the times fall outside the normal peak times. The times are considered as a critical period for St Hilliers and Dartbrook</li> </ul> </li> </ul>	<p>To be addressed via separate correspondence.</p>



Summary of Council Comments	Applicant Response
<p>Roads, Auburn</p> <ul style="list-style-type: none"> <li>○ The St. Hilliers Road southern approach traffic queues would further need to be analysed during the respective prayer times (11.45pm to 1pm).</li> </ul>	
<b>8.0 Flooding</b>	
<ul style="list-style-type: none"> <li>• Council's Engineers have requested the following additional information:                             <ul style="list-style-type: none"> <li>○ The proposal needs to demonstrate Chapter 6 – Flood Risk Management requirements of the Stormwater Drainage Part of the Auburn Development Control Plan 2010. This issue was previously raised via Council's pre-lodgement comments (refer to previous comments issued on 15 May 2019).</li> </ul> </li> </ul> <p><i>Note: The former Auburn City Council's FSR Planning Proposal sought to rezone 'certain land' located within local centres of the LGA to R4 High Density Residential and B4 Mixed Use zones under the Auburn Local Environmental Plan 2010. The site to which the proposal applies and the immediate R2 Low Density Residential surrounds was excluded from the FSR Planning Proposal and does not include any relevance to the justification of this proposal.</i></p>	<p>To be addressed via separate correspondence.</p>
<b>9.0 Detailed Site Investigation</b>	
<ul style="list-style-type: none"> <li>• The proposed 'detailed site investigation' report prepared by Australian Geotechnical refers to a review of the 'preliminary site investigation report' prepared by Aargus</li> </ul>	<p>To be provided via separate correspondence.</p>



Summary of Council Comments	Applicant Response
(Ref ES5840) dated 13 July 2014 in the Executive Summary. Please provide a copy of this report to Council as additional information for assessment purposes.	

**3. Follow Up Meeting**

It is noted that the applicant, representatives of Gallipoli Education Services and TPG met with Council's General Manager Malcolm Ryan, the Deputy General Manager Hamish McNulty and Group Manager Adam Davis on Thursday 29 June 2017. At this meeting, some 200 letters of support for the PPR were provided and a general discussion was had about the proposal approach and timing. It was acknowledged that the proposal to add the use of 'Educational Establishment' to the current site list of permissible uses was most likely approach that Council would consider. It was also agreed to work with the applicant to have a report for consideration by the Council's IHAP committee before September 2017.

We trust the above information is sufficient for Council to further its assessment and determination of the PPR.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444.

Yours sincerely

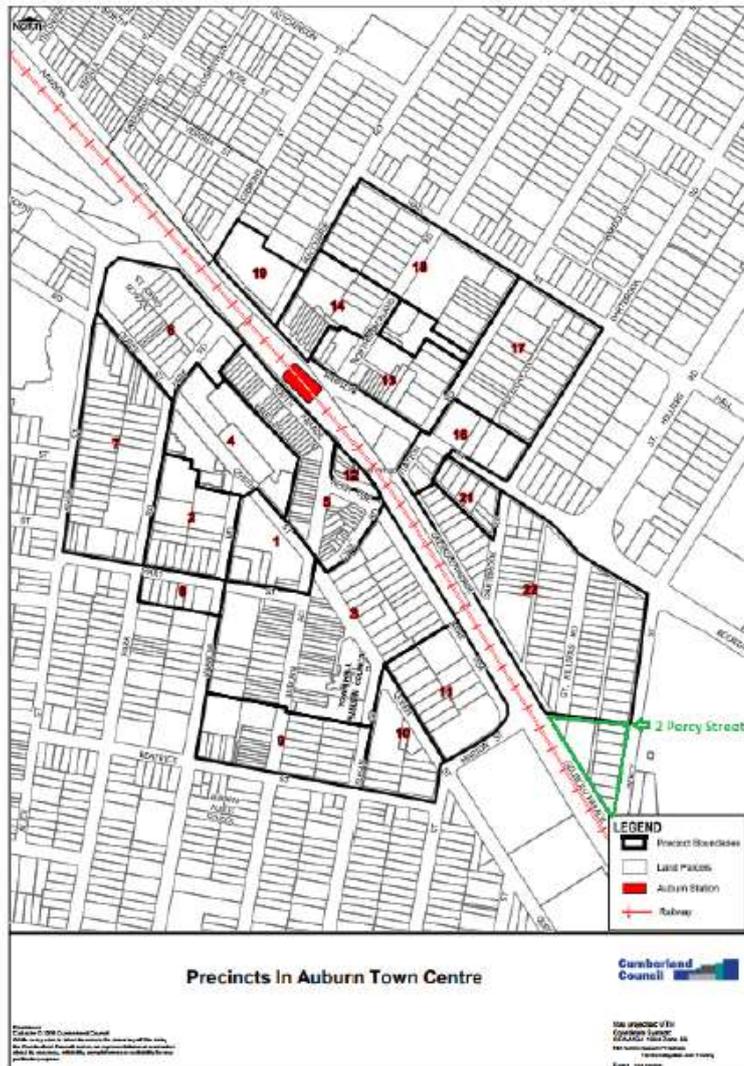
**TPG Town Planning and Urban Design**

Helen Deegan  
Director of Planning

- Attachment 1 – Town Centre Precincts**
- Attachment 2 – Updated Concept Drawings**
- Attachment 3 – Master Plan**



### Attachment 1 – Town Centre Precincts



# Appendix 11: Community Consultation Summary

Submission No and date	Name of Submitter/s	Comment summary	Council's Response
<p><b>1</b> 26 June 2017</p>	<p><b>H &amp; S Lee</b> <b>26 June</b></p>	<p>States and argues that “the inclusion of an educational establishment as an additional permitted use rather than a rezoning supports and protects industrial land for industrial uses by retaining the IN2 zone” is really ambiguous and sounds like double Dutch.</p> <p>States “the proposal reads like there is a hidden agenda”.</p> <p>States “it is pointless retaining an industrial IN2 zone just to permit an additional use supposedly to protect industrial land for industrial uses especially when the additional permitted use is of a non-industrial use and once a large permanent school is established on site chances of the site being reverted back for purely industrial purposes is zero”.</p> <p>Acknowledges that the site to which the proposal applies is located within Queen Street (Precinct 1) and that the IN2 zone be retained to support existing businesses has no relevance, because the education establishment business proposed on the site will support the existing businesses regardless of the zone.</p> <p>Claims that there is more evidence to show that the subject site is unsuitable for industrial use.</p> <p>“The whole intent behind the proposal is fast tracking the process in order to achieve a convenient outcome on the pretext that this will provide some sort of protection for industrial land for industrial use..”.</p> <p>“The approval of this amendment will be highly controversial...”</p> <p>“The rationale of the proposal is based on retained as an IN2 zone specifically IN2 zone specially for industrial use only and no additional use of a non-industrial nature.”</p> <p>“the proposal lacks integrity and transparency and there are too many anomalies”.</p>	<p>Objection noted.</p>

Submission No and date	Name of Submitter/s	Comment summary	Council's Response
<p><b>2, 3, 4, 5, 6, 7, 8 and 9</b> (Form letters) 30 June</p>	<p><b>K Pala</b> <b>M Tok</b> <b>A Kopuz</b> <b>H B Atayman</b> <b>S Aksakal</b> <b>H Evecek</b> <b>K Sertlioglu</b> <b>M Ozturk</b></p>	<p>These submissions are on behalf of 7 organisations that mainly provide cultural and religious activities.</p> <p>They support the planning proposal for an educational institution at 2 Percy St Auburn.</p>	<p>Noted.</p>
<p><b>10, 11,12, 13, 14,15</b> (Form letters) 30 June</p>	<p><b>I Anmak</b> <b>S Uyanik</b> <b>T Demiryurek</b> <b>A Sisman</b> <b>A Yilmaz</b> <b>S Yilmaz</b></p>	<p>Express overwhelming support for a school at 2 Percy St Auburn as it will:</p> <p>Provide quality education to our future representatives and leaders</p> <p>Enable our children (from Auburn and surrounding suburbs) to become law abiding citizens and contribute to the well-being of society.</p> <p>Cater for the urgent need for a school for the increasing population of children in the area.</p>	<p>Noted.</p>
<p><b>16</b> 30 June</p>	<p><b>A Solak</b> Redfern Islamic Society</p>	<p>This cultural and religious society with 350 members is excited to support the potential school at 2 Percy St Auburn.</p> <p>Many members in our area have an interest and are enquiring about enrolling their children.</p>	<p>Noted.</p>
<p><b>17</b> 30 June</p>	<p><b>A Taslak</b> ICMG</p>	<p>This Guildford non-profit organisation with 500 members has raised concerns about the limited number of Muslim schools. We seek Council's assistance in meeting this need.</p>	<p>Noted.</p>
<p><b>18, 19</b> 30 June</p>	<p><b>A Arabaci</b> Irfan College</p> <p><b>M Al Safi</b> Australian International Academy</p>	<p>With a maximum capacity of 220 students, about a third of the students of Irfan College (at Cecil Park) travel to the college from the Auburn region.</p> <p>The Australian International Academy (Strathfield) has a maximum capacity of 450 students and cannot cater to students from the Auburn area.</p> <p>The proposed school would help to cater for the urgent and ever-growing need for independent schools, with 250,000 students entering school in the next 10 years.</p> <p>These two principals attest to the credibility, reliability and work ethic of Gallipoli Education Solutions Ltd</p>	<p>Noted.</p>
<p><b>20</b> 30 June</p>	<p><b>L Whales</b> PCYC Auburn</p>	<p>This letter confirms the intention of Auburn PCYC to assist the proposed school with sporting options, subject to club availability with other bookings and programs and adherence to PCYC's membership and participation policies.</p>	<p>Noted.</p>
<p><b>21</b></p>	<p><b>L Foley</b></p>	<p>I support the proposed 650 student K-12 co-ed</p>	<p>Noted.</p>

Submission No and date	Name of Submitter/s	Comment summary	Council's Response
30 June	Member for Auburn	school at 2 Percy St. I am delighted the mosque, which is an integral part of the Auburn community and its services, is now seeking to establish a K-12 school to assist in addressing the increasing need for school spaces in the rapidly growing Cumberland LGA, and give parents more options in school selection.	
<b>22</b> 30 June	<b>E Boduk</b> NSW Auburn Turkish Islamic Cultural Centre	This organisation is the governing arm of the Gallipoli Mosque. As such we support this proposal for the establishment of an educational institution at 2 Percy St.	Noted.
<b>23</b> 30 June	<b>B Karasu</b> Turkish Welfare Association	The Association assists community members with welfare issues of various sorts, from immigration to housing, from training to case management. Informs they recommend and support the continuing support and development projects of the Gallipoli Mosque, including the proposed school.	Noted.
<b>24</b> 30 June	<b>O Goreli</b> I-Youth Centre	The I-Youth Centre runs a drop-in service with caseworks and mentors for young people aged 12 and up, as well as recreation, social and learning opportunities. It is available to all genders, faiths and cultures. Our youths and the centre manager support the GES proposal for an educational institute at 2 Percy St Auburn.	Noted.
<b>25</b> 30 June	<b>Dr J Bennet</b>	A newsletter update on the Malek Fahd Islamic School.  No mention or reference to the proposal to permit a school at 2 Percy St.	Noted.  Does not make a reference to the proposal.
<b>26 (Petition)</b> 30 June	<b>Approx. 2,305 signatories</b>	Support the planning proposal request of Educational Institution GES which is made up of 6 Turkish Mosque Associations.	Noted.

## Appendix 12: Past DA's approved

DA No	DAs approved	Description
88/1979	2 April 1979	Renewal of DA 119/79 and erection of building storage.
221/2005	8 Aug 2005	Internal alterations and additions to the existing light industrial building to convert existing use to permit confectionary factory within the premises for the former Cumberland Industries.
200/2006	14 Sept 2006	Proposed new training offices, storage facility and warehouse.
180/2008	19 Nov 2008	Second level addition to existing training facility building for use as offices.
237/2011	1 Feb 2012 (deferred commencement)	Alterations and additions to existing warehouse including use and fitout as a Training Facility and Administration Centre for Master Plumbers and Mechanical Contractors Association of NSW.

Source: Council GEAC records, July 2017

# Appendix 13: Consistency with NSW broader strategic framework

## *A Plan for Growing Sydney*

Direction	Action/priority	Consistency
<p><b>3.0 A Productive City</b></p>	<p><b>Attracting employment and urban services</b> (p.71)</p> <p>Productivity Priority 9 - Protect and support employment and urban services land (p.73)</p>	<p><b>Consistent</b></p> <p>The site to which the proposal applies is identified as ‘Category 3 employment lands - land to be retained for industrial purposes’ and is located within Precinct 1 (Queen Street) in <i>Auburn ELS 2015</i>.</p> <p>The site which proposes the additional use is currently zoned IN2 Light Industrial and would not be rezoned and continued as industrial land that is locally significant in the short term. This will also enable the site’s gradually transition into a longer term planning outcome in accordance with the future vision of the area which would be informed by the draft Auburn and Lidcombe Town Centre’s Strategy.</p> <p>The site’s proposed additional use ‘educational establishment’ would result in providing approximately over 50 jobs which would contribute and increase the Cumberland LGA’s employment lands target.</p>

Direction	Action/priority	Consistency
<p><b>1.10 Plan for Education and Health Services (p.54)</b></p> <p><b>1.10.1 Assist the Department of Education and Communities, the catholic education commission and the association of independent schools of NSW to identify and plan for new school sites throughout Sydney</b></p>	<p>Action L17: Support Planning for school facilities (p. 131)</p>	<p><b>Consistent</b></p> <p>The site to which the proposal applies is located in an IN2 Light where educational establishments are not permissible.</p> <p>The proposed additional use 'educational establishment' help continue with the industrial zone, the existing industrial uses and introduces a more intensive and non-industrial use which would complement and enhance the area. The parcel is an isolated industrial land parcel which is considered as <i>Category 3 – land that could be investigated for alternative uses</i> under Auburn ELS 2015 (p.15) which currently functions as a training and administration facility for The Master Plumbers Association of NSW.</p>

### Draft West Central District Plan

Theme /Sub Section or Priority/Action	Consistency
<p>3.0 A Productive City</p> <p>3.7 Attracting employment and urban services (p.71)</p> <p>Productivity Priority 9 -Protect and support employment and urban services land (p.73)</p>	<p><b>Consistent</b></p> <p>The site to which the proposal applies is identified as ‘<i>Category 3 employment lands - land that could be investigated for alternative uses</i>’ and is located within <i>Precinct 1 - Queen Street</i> under the <i>Auburn ELS 2015</i> (p.15).</p> <p>The site to which the proposed additional use applies is currently zoned IN2 Light Industrial and would not be rezoned and continued as industrial land that is locally significant in the short term. This will also enable the site’s gradually transition into a longer term planning outcome in accordance with the future vision of the area which would be informed by <i>the draft Auburn and Lidcombe Town Centres Strategy</i>.</p> <p>The site’s proposed additional use ‘educational establishment’ could result in creating approximately 50 jobs that would increase and contribute to Cumberland LGA’s employment lands target.</p>
<p><b>4.0 Liveable City</b></p> <p>4.8.2 Plan to meet the demand for school facilities (p.130)</p> <p>Action L17: Support planning for school facilities (p. 131)</p>	<p><b>Consistent</b></p> <p>The site to which the proposal applies is identified as ‘<i>Category 3 employment lands - land that could be investigated for alternative uses</i>’ and is located within <i>Precinct 1 - Queen Street</i> under the <i>Auburn ELS 2015</i> (p.15).</p> <p>The site proposes an educational establishment within IN2 Light Industrial zone which would meet the demand for school facilities within Cumberland wide and Auburn Town Centre area and surrounds and create more jobs and help continue the IN2 Light Industrial zone and uses within the short term. This would enable the site’s gradual transition into longer term planning outcome with the future vision of the area that would be informed by the <i>draft Auburn and Lidcombe Town Centres Strategy</i>.</p> <p>The land is further considered as an isolated industrial zoned land parcel located south of western railway line within the Auburn Town Centre.</p>

### **State Environmental Planning Policies (SEPPs)**

<b>No.</b>	<b>Title</b>	<b>Summary</b>	<b>PP application's consistency with the SEPP</b>
1	<b>Development Standards</b>	Aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.	<b>Does not apply to Cumberland LGA.</b> SEPP repealed by <i>Auburn LEP 2010</i> , <i>Holroyd LEP 2013</i> and <i>Parramatta LEP 2011 (clause 1.9)</i> .
14	<b>Coastal Wetlands</b>	Aims to ensure the State's coastal wetlands are preserved and protected.	<b>Does not apply to Cumberland LGA.</b> Applies to specified land under the National Parks & Wildlife Act, the Tomago Aluminium Smelter (Newcastle) and land to which SEPP 26 applies.
19	<b>Bushland in Urban Areas</b>	Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	<b>Applies to State</b>  The subject site affected by the application is not affected by bush land.  Consistent
21	<b>Caravan Parks</b>	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	<b>Applies to State</b> except land to which SEPP (Western Sydney Parklands) applies.  Consistent
26	<b>Littoral Rainforests</b>	Aims to protect littoral rainforests from development.	<b>Does not apply to Cumberland LGA</b>
30	<b>Intensive Agriculture</b>	Establishes the requirement for development consent and additional requirements for cattle feedlots and piggeries.	<b>Applies to State</b>  Consistent
33	<b>Hazardous and Offensive Development</b>	Aims to provide additional support and requirements for hazardous and offensive development	<b>Applies to State</b>  <b>Consistent</b>

No.	Title	Summary	PP application's consistency with the SEPP
36	<b>Manufactured Home Estates</b>	Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	<b>Does not apply to Cumberland LGA</b> Applies to land outside the Sydney Region.
44	<b>Koala Habitat Protection</b>	Aims to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	<b>Does not apply to Cumberland LGA</b> Former Auburn LGA parts, former Parramatta LGA parts of the Woodville Ward, and former Holroyd LGA parts that are now located within Cumberland are not listed in Schedule 1 of the SEPP.
47	<b>Moore Park Showground</b>	Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	<b>Does not apply to the Cumberland LGA</b>
50	<b>Canal Estate Development</b>	Prohibits canal estate development	<b>Applies to State</b> , except Penrith Lakes  Consistent
52	<b>Farm Dams and other works in land and water management plan areas</b>	Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans.	<b>Does not apply to Cumberland LGA</b>
55	<b>Remediation of Land</b>	Provides a State wide planning approach for the remediation of contaminated land.	<b>Applies to State</b> Consistent The site to which the proposal applies is introduces an educational establishment within site's existing building. The proponent's detailed site investigation report submitted is at <b>Appendix 5</b> . This fulfils Clause 6 requirements of the SEPP. Should the proposal proceeds and then a DA is lodged the proposal would need to comply with the SEPP requirements.
62	<b>Sustainable Aquaculture</b>	Aims to encourage and regulate sustainable aquaculture development	<b>Applies to State</b>  <b>Consistent</b>

No.	Title	Summary	PP application's consistency with the SEPP
64	<b>Advertising and Signage</b>	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	<b>Applies to State</b>  Consistent
65	<b>Design Quality of Residential Apartment Flat Development</b>	Aims to improve the design qualities of residential flat building development in New South Wales.	<b>Applies to State</b> , except Kosciusko SEPP area  Consistent
70	<b>Affordable Housing (Revised Schemes)</b>	Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	<b>Does not apply to Cumberland LGA</b>  Applies to land within the Greater Metropolitan Region particularly City of South Sydney, City of Sydney, City of Willoughby and Leichhardt.
71	<b>Coastal Protection</b>	Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	<b>Does not apply to Cumberland</b>  Applies to land within the coastal zone, as per maps of SEPP.
	<b>Housing for Seniors or People with a Disability 2004</b>	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	<b>Applies to State</b>  To be considered at DA stage if required.  Consistent
	<b>Building Sustainability Index: BASIX 2004</b>	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	<b>Applies to State</b>  To be considered at DA stage if required.  Consistent
	<b>Kurnell Peninsula 1989</b>		<b>Does not apply to Cumberland LGA</b>  Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.
	<b>State Significant Precincts 2005</b>	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	<b>Applies to State</b>  Consistent

No.	Title	Summary	PP application's consistency with the SEPP
	<b>Sydney Region Growth Centres 2006</b>	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	<b>Does not apply to Cumberland LGA</b> Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre)
	<b>Mining, Petroleum Production and Extractive Industries 2007</b>	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	<b>Applies to State</b>  Consistent
	<b>Infrastructure 2007</b>	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	<b>Applies to State</b> Consistent The proposal introduces an 'educational establishment' on site within a developed site. The proposal is considered as a 'traffic generating development' that would need to be referred to RMS. The proposal is supported by a Transport Impact Assessment by GTA which is at <b>Appendix 4</b> of the report. The proposal is likely to be affected by <i>Clause 87 Impact of Rail Noise or vibration on non-rail development</i> since the proposed use is proposed within the close proximity of the existing western railway line. However, since the site is already developed and any noise mitigation impacts anticipated from this proposed development may be addressed at the DA stage when an application is lodged. The proponent has acknowledged the noise issues and mitigation via the proposed building in <b>Appendix 1</b> .
	<b>Kosciuszko National Park – Alpine Resorts 2007</b>	Aims to protect and enhance the natural environment of the alpine resorts area.	<b>Does not apply to Cumberland LGA</b> Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	<b>Rural Lands 2008</b>	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	<b>Does not apply to Cumberland LGA</b>

No.	Title	Summary	PP application's consistency with the SEPP
	<b>Western Sydney Employment Area 2009</b>	Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	<p><b>Applies to Cumberland LGA</b></p> <p>Applies to Greystanes Northern Employment Lands.</p> <p>The land to which the proposal applies is not affected by this SEPP.</p>
	<b>Exempt and Complying Development Codes 2008</b>	Aims to provide streamlined assessment process for development that complies with specified development standards.	<p><b>Applies to State</b></p> <p><b>Consistent</b></p>
	<b>Western Sydney Parklands 2009</b>	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	<p><b>Applies to Cumberland LGA</b></p> <p>Applies to land within Blacktown, Fairfield, Liverpool LGAs and a small part of former Holroyd LGA now located within Cumberland LGA.</p> <p>The land to which the proposal applies is not affected by this SEPP.</p>
	<b>Affordable Rental Housing 2009</b>	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	<p><b>Applies to State</b></p> <p>To be considered at DA stage if required.</p> <p><b>Consistent</b></p>
	<b>Urban Renewal 2010</b>	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	<p><b>Applies Cumberland LGA</b></p> <p>Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.</p> <p>The land subject to this proposal is not affected by this SEPP.</p>
	<b>Sydney Drinking Water Catchment 2011</b>	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	<p><b>Does not apply to Cumberland LGA</b></p> <p>Applies to land within the Sydney drinking water catchment.</p>

<b>No.</b>	<b>Title</b>	<b>Summary</b>	<b>PP application's consistency with the SEPP</b>
	<b>State and Regional Development 2011</b>	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	<b>Applies to State</b>  <b>Consistent</b>
	<b>Three Ports 2013</b>	Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle.	<b>Does not apply to Cumberland LGA</b> Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla and land within New Castle City Council in an area known as Port Newcastle.
	<b>Miscellaneous consent provisions 2007</b>	Aims to provide erection of temporary structures permissible with consent across the State.	<b>Applies to State</b>  <b>Consistent</b>

## State Regional Environmental Plans (Deemed SEPPs)

No	Title	Summary	Application
8	<b>Central Coast Plateau Areas</b>	Aims to implement the state's urban consolidation policy.	<b>Does not apply to Cumberland LGA</b> Applies to nominated land in the NSW Central Coast.
9	<b>Extractive Industry No. 2 1995</b>	Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	<b>Applies to the Cumberland LGA</b> Applies to LGAs listed in Schedule 4 (includes former Parramatta and Holroyd LGAs).  The land to which the proposal applies is not affected by this deemed SEPP.
16	<b>Walsh Bay</b>	Aims to regulate the use and development of the Walsh Bay area.	<b>Does not apply to Cumberland LGA</b> Applies to land within the City of Sydney and within Sydney Harbour.
18	<b>Public transport corridors</b>	Aims to protect provision for future public transport facilities.	<b>Does not apply to Cumberland LGA</b> Applies to the City of Fairfield only.  The land to which the proposal applies is not affected by this Deemed SEPP.
19	<b>Rouse Hill Development Area</b>	Aims to provide for the orderly and economic development of the RHDA.	<b>Does not apply to Cumberland LGA</b> Applies to area defined by policy that is Baulkham Hills and Blacktown LGAs.
20	<b>Hawkesbury Nepean</b>	Aims to protect the Hawkesbury-Nepean River System.	<b>Does not apply to Cumberland LGA.</b> Applies to certain LGAs within Greater Metropolitan Region.

No	Title	Summary	Application
24	<b>Homebush Bay Area</b>	Aims to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to rest of the former Auburn LGA which is now located within City of Parramatta – refer to <i>State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map.</i></p>
26	<b>City West</b>	Aims to promote the orderly and economic use and development of land within City West.	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to land shown as City West area (Pyrmont and Ultimo)</p>
30	<b>St Marys</b>	Aims to support the redevelopment of St Marys by providing a framework for sustainable development.	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to specified land within the Blacktown and Penrith LGAs</p>
33	<b>Cooks Cove</b>	Establishes the zoning and development controls for the Cooks Cove site.	<p><b>Does not apply to the Cumberland LGA.</b></p> <p>Applies to specified land at Cooks Cove within the suburb of Arncliffe.</p>
	<b>Sydney Harbour Catchment 2005</b>	Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.	<p><b>Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River.</b></p> <p>Applies to some land within the Cumberland LGA.</p> <p><b>Consistent</b></p>

## Section 117 Directions

Direction		Consistency
<b>1.</b>	<b>Employment and Resources</b>	
1.1	Business and Industrial Zones	<p>Not applicable</p> <p>The site to which the proposal applies seeks to permit an 'educational establishment' within an IN2 light Industrial zone.</p> <p>The proposal does not rezone the land or result in a loss of locally significant isolated small parcel of employment land within the Cumberland LGA which forms part of <i>Precinct 1 - Queen Street</i>. The land is also categorised as 'Category 3 land that could be investigated for alternative uses' under <i>Auburn ELS 2015</i> (p.15 and p.6). There is also no loss of jobs since the proposal generates approximately 50 jobs.</p>
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
<b>2.</b>	<b>Environment and Heritage</b>	
2.1	Environment Protection Zones	<b>Not Applicable</b>
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	<p><b>Consistent</b></p> <p>The site to which the proposal applies is located within the surroundings of environmental heritage items (I40 and I41) under the <i>Auburn LEP 2010</i>.</p> <p>The site to which the additional permissible use applies is already developed with an existing building, and is unlikely to create any impacts on its surrounds given the proposed additional use would be introduced via change of use at the DA stage.</p> <p>The proposal does not seek to amend the zoning nor the principal development standards since the proponent has agreed to reduce the propose FSR of 1.2:1 to 1:1.</p> <p>Should the proposal proceed, NSW Heritage would be further consulted at the Gateway</p>

Direction	Consistency
	stage to seek comment.
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	Not applicable The site to which the proposal applies seeks to rezone industrial zoned land.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	<b>Consistent</b> Does not change the permissibility of home occupations.
<p>3.4 Integrating Land Use and Transport</p> <p><i>What a relevant planning authority must do if this direction applies</i></p> <p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</p> <p><i>Consistency</i></p> <p>A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the Planning Proposal (if the Planning Proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of</p>	<p><b>Consistent</b></p> <p>The site to which the proposal applies is located approximately 750-800 metres from Auburn’s Town Centre and Railway Station.</p> <p>The site is serviced by existing Sydney and Transdev bus transport services and cycle routes which can be accessed within 5-20 minutes walking distance from the site.</p> <p>The proposal is broadly consistent with the objectives and principles of the mentioned DP&amp;E policies. The land to which the proposal applies is developed and seeks a proposed additional use site to introduce an educational establishment within an existing IN2 Light Industrial zone.</p> <p>The Transport Impact Assessment prepared by GTA at <b>Appendix 4</b>, tests the site’s traffic and transport impacts for the proposed additional use.</p> <p>Though the site’s existing zoning remains the proposal seeks to increase the FSR from 1:1 to 1.2:1.</p> <p>The study acknowledges that the proposed use is a traffic generating development and the traffic impacts created as a result by the</p>

Direction	Consistency
<p>(b) the Department of Planning, or justified by a study prepared in support of the Planning Proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>	<p>proposed development will not compromise the function and ability of the site's existing surrounds since the surrounds have more capacity to absorb the impacts.</p> <p>Any relevant agency stakeholders would be consulted at the Gateway should this proposal proceeds. Any impacts created as a result of the proposed development would be dealt at the DA stage.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	<p>Not applicable</p>
<p>3.6 Shooting Ranges</p>	<p>Not applicable</p>
<p><b>4. Hazard and Risk</b></p>	
<p>4.1 Acid Sulphate Soils</p>	<p><b>Consistent</b></p> <p>The site to which the proposal applies is affected by Class 5 Acid Sulphate Soils. Any future DAs lodged with the site with the proposed educational establishment would need to comply with Acid Sulphate Soils Management Plan in accordance with clause 6.1(3) of the <i>Auburn LEP 2010</i>.</p>
<p>4.2 Mine Subsidence and Unstable Land</p>	<p>Not applicable</p>
<p>4.3 Flood Prone Land</p>	<p>Inconsistent</p> <p>The site to which the proposed additional use (educational establishment) applies is partially affected by flooding under ALEP 2010 flood planning map (refer to 2.5.4) and includes a Probable Maximum Flood Level of 13.2.</p> <p>The proponent has provided a detailed site identification survey and a flood impact assessment report for the proposal's assessment (refer to <b>Appendix 7</b>).</p> <p>This flood impact assessment report is not tailored to the proposed additional use and is not considered as relevant for the proposal's assessment (refer to sections 3.2.5 of this report).</p> <p>Council officers are of the view that this information is considered as essential for the proposal's assessment to meet flood risk management requirements as per Stormwater Drainage part of Council's <i>Auburn DCP 2010</i> (refer to Tables 5 and 6).</p>

Direction	Consistency
	<p>The proposed additional use is proposed within the site's existing building and does not seek a zoning change to the existing zone ( IN2 Light Industrial) though it seeks a FSR increase of 1:1 to 1.2:1. Any likely impacts anticipated as result, of the proposed development on site would be mitigated at the DA stage.</p> <p>Any likely issues or matters that would need to be assessed by Council for this proposal request would be dealt to Council's satisfaction subject to the proposal being supported by Council.</p>
4.4 Planning for Bushfire Protection	Not applicable
<b>5. Regional Planning</b>	
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 in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	<p>The site to which this proposal applies proposes an additional use (educational establishment) within the site which has been already developed.</p> <p>The proposal is consistent with the <i>Draft District Plan</i> priority/ actions below:</p> <p><b>4.0 Liveable City</b></p> <p>4.8.2 Plan to meet the demand for school facilities (p.130)</p> <p>Action L17: Support planning for school facilities (p. 131).</p>

Direction	Consistency
	<p><b>3.0 A Productive City</b></p> <p>3.7 Attracting employment and urban services (p.71)</p> <p>Productivity Priority 9 -Protect and support employment and urban services land (p.73)</p> <p>Refer to <b>Appendix 13</b> for further information.</p>
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Not applicable.
6.2 Reserving Land for Public Purposes	Not applicable.
6.3 Site Specific Provisions	<p><b>Consistent</b></p> <p>The land to which the proposal applies proposes to introduce an additional permissible use and amend site's existing FSR from 1:1 to 1.2.</p> <p>Should the proposed proposal is supported by Council and proceed to Gateway the proponent would be required to prepare site specific provisions for the site if any principal development standards are amended.</p> <p>Should the proponent decide to maintain the FSR as 1:1 with no changes to the building height specific provisions no site specific conditions would be required.</p>
<b>A Plan for Growing Sydney</b>	
7.1 Implementation of <i>A Plan for Growing Sydney</i>	<p>The proposal is consistent with the following action:</p> <p>Action L17: Support Planning for school facilities (p. 131)</p> <p>Refer to <b>Appendix 13</b> for more information.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3 Parramatta Road Corridor Urban Transformation Strategy	The site to which the proposal applies is not situated within land affected by the <i>Parramatta Road Corridor Urban Transformation Strategy</i> .
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable.