

# REQUEST FOR A PLANNING PROPOSAL TO ALLOW A CAFÉ WITHIN THE SHOP

As a part of the RACF  
at

9 - 11 Gelibolu Parade, Auburn



Prepared by:

## **Smyth Planning**

Suite 67, 330 Wattle Street  
ULTIMO NSW 2007  
Ph: 9211 3366 Fax: 9211 8081  
Email: [rm@smythplan.com](mailto:rm@smythplan.com)

On behalf of:

**The NSW Auburn Turkish  
Islamic Cultural Centre Inc.**  
15 – 19 Gelibolu Parade  
Auburn, NSW.

**AUGUST 2017**

## CONTENTS

1.0	INTRODUCTION	3
2.0	SITE DESCRIPTION & LOCATION	3
3.0	PART 1- OBJECTIVES AND INTENDED OUTCOMES	4
4.0	PART 2- EXPLANATION OF PROVISIONS	4
5.0	PART 3 JUSTIFICATION	5
6.0	PART 4- MAPPING	8
7.0	PART 5- COMMUNITY CONSULTATION	8
8.0	PART 6- PROJECT TIMELINE	9
9.0	CONCLUSION	9

ANNEXURE A

Café/Shop Plan

ANNEXURE B

Part Basement Plan

## 1. INTRODUCTION

- 1.1. Smyth Planning has been engaged by the NSW Auburn Turkish Islamic Cultural Centre Inc. to prepare a Planning Proposal for Lots B & C of DP374304 - No.9/11 Gelibolu Parade, Auburn, but the site will soon be part of a larger amalgamated lot to accommodate the previously approved RACF.
- 1.2. The RACF (Nursing Home) has been approved by the Cumberland Council under DA 189/2015. The approval includes a neighbourhood shop in the South-eastern corner of the development, at the intersection of Gelibolu Parade and St Hilliers Road. The subject Planning Proposal seeks amendment in the Auburn LEP 2010 to include a café use as an Additional Permitted Use within the approved shop.
- 1.3. The Planning Proposal provides a description and justification for the proposed amendment to the Auburn (Urban Areas) Local Environment Plan 2010 (LEP 2010), to permit the development of a Café as an additional permitted use on the subject site within a previously approved shop.
- 1.4. The Planning Proposal has been prepared in accordance with the requirements of Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning and Infrastructure Guidelines including "A Guide to Preparing Planning Proposals 2012", and "A Guide to preparing Local Environment Plans".
- 1.5. It is considered that the proposed development has local strategic merit without causing any unreasonable environmental, social and economic impacts and would service the needs of the RACF residents, the surrounding community and visitors to the area.

## 2. SITE DESCRIPTION & LOCATION

### 2.1 Site Location

The parts of the RACF sites proposed to be accommodating the café are Lots B & C of DP374304, bounded by Gelibolu Parade in the South and the adjoining St Hilliers Road on the East within the Auburn City Council Local Government Area. Gelibolu Parade runs parallel to the main western railway line putting the line just within 25 metres of the front of the RACF.

### 2.2 Site Description

The site is legally described as Lots B & C of DP374304 and is known as 9 & 11 Gelibolu Parade, Auburn. The site is currently zoned as R2- Low Density Residential under the Auburn LEP 2010. The Residential Aged Care Facility ("RACF"), DA189/2015 was previously approved by the JRPP on the site, in Auburn, that will eventually be amalgamated to accommodate the RACF. The approval in 2015 included a neighbourhood shop in the southern eastern corner, with a separate application to be lodged for the interior fit-out of the shop. The shop will be a convenience type store and is proposed to have Toilets, an ATM Service sub-station serving the staff and customers, accommodating disabled and older people.

This proposal seeks to have the zoning of the site adjusted to allow the addition of a café function to the previously approved shop. A likely resulting floor plan is at Annexure A and part Basement plan showing the allocated shop parking spaces and the delivery set down area at Annexure B.

### 3. PART 1- OBJECTIVES & INTENDED OUTCOME

#### 3.1 Objectives

1. To address the zoning of the subject land with a view to adjust the critical controls to allow a "Café" to be included with the Shop that was approved as a part of DA 189/2015 (Note the facility "café" fits into the definition of "Restaurant or cafe" in the Auburn LEP of 2010 so any reference to "café" below should be read as "restaurant or café").
2. The intention of the owners is that the café will serve tea, coffee and other drinks as well as biscuits and cake.
3. The proposal is consistent with the Objectives for the R2 Low Density Residential Zone under the Auburn LEP 2010.
4. The proposal will provide an "outside" facility for Residents of the RACF and an opportunity for them to mix with local residents of the wider community from the surrounding area. It would also be possible that some of the attendees of the Mosque who park nearby might be tempted to use the café after the Religious Service. There will be a significant social benefit to the residents of the RACF, the other local residents and some of the congregation from the Mosque after prayers if they use the "Café".

#### 3.2 Intended Outcomes

1. To have a site suitably "zoned" to allow a "Café" to be included in the shop and to have appropriate planning controls and/or standards that will support the first outcome. (Note: The Café is proposed to be built as a part of the shop on the property currently known as No 9/11 Gelibolu Parade which will be part of the much larger lot once titles are amalgamated).

### 4. PART 2- EXPLANATION OF PROVISIONS

- 4.1 The proposed outcome, namely the addition of Café by adjusting the controls of the subject site, can/ will be achieved by amending the Auburn Local Environment Plan 2010 as follows:

- Amend *Schedule 1 Additional Permitted Uses* of the Auburn LEP 2010 to include the following:

#### **2 Use of certain land at 9 & 11 Gelibolu Parade, Auburn**

- (1) this clause applies to the following land:
  - (a) 9 Gelibolu Parade, Auburn, being Lot B of DP 374304,
  - (b) 11 Gelibolu Parade, Auburn, being lot C of DP 374304,
- (2) Development for the purpose of a Café is permitted with development consent on the site notably to be included as a part of the neighbourhood shop.
- (3) the total floor area of the shop and cafe is not to exceed 80 sq m.

- 4.2 In this case the zone would remain the same, but there is an alternative that can be considered.

#### **The Alternative way is to Amend Auburn LEP 2010**

The Subject allotments could be rezoned B1 Neighbourhood Centre where the proposed Café is a permitted use.

Alternatively, the R2 Zone could be amended to make the "restaurant or Café" use permissible in that Zone.

Compared to the preferred approach in this proposal neither of the alternatives is satisfactory in planning terms.



## 5. PART 3- JUSTIFICATION

### 5.1 Section A- Need for Planning Proposal

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

The planning proposal is not the result of any strategic planning study or report undertaken by the Council. The proposal to create a scheduled use to allow for a "Café" within the approved Shop as a part of the RACF is a result of the intention to create a positive social impact by providing an improved amenity to serve refreshments (does not include cooked meals) to the residents of the RACF, visitors, the local community, and the users of the Mosque.

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

Yes. The planning proposal represents the best means of achieving the objectives and intended outcomes, as the current zoning of the site under Auburn LEP 2010- R2 Low Density Residential, prohibits the use of the land as a *Commercial Premises* under which *Restaurants & Cafes* fall as a sub-type, thereby making the use of the land non-permissible for a small Café function within the previously approved neighbourhood shop.

### 5.2 Section B- Relationship to strategic planning framework

#### *Is the planning proposal consistent with the objectives and actions of the applicable Regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

The planning proposal is generally consistent with the relative objectives and actions contained within the following Strategic Plans:

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

*The Metropolitan Plan* provides a long-term planning framework based on strategic directions for the future growth of Sydney. The Planning Proposal is consistent with the aims and objectives of the Plan.

A Plan for Growing Sydney emphasizes on the positive role played by shops, cafes and other food services in improving the general liveability of an area. The café will create a positive social and economic impact by providing easy access to refreshments such as coffee, cold drinks and small eatables (that are not prepared on site) to the residents of the RACF, their visitors, the users of the Mosque after a religious service and the general local residents in the surrounding community thereby responding to the aims of the strategy.

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

The planning proposal is consistent with the following key outcomes within the Draft Metropolitan Plan for Sydney 2036 including the following:

- ✓ A Productive City;
- ✓ A Liveable City; and
- ✓ A Sustainable City

In regard to a Liveable City, priorities 4.4 says: "Improve housing diversity and affordability(p.103)" and 4.4.2 says "Support planning for adaptable housing and aged care (P.105)" and

Action L4-"Encourage Housing diversity (p.104)".

Additionally, Liveability Priority 4.8.7 "Plan for Health Facilities and Services"

Action L12-"Support Planning for Health Infrastructure (p.133)"

The café or restaurant additional permitted use is proposed within a recently approved aged care facility within the Auburn Town Centre, where there are not a mix of uses within that Precinct. The proposed additional permissible use will basically support the surrounding neighbourhood and visitors who come to the area (mainly because of the Mosque) and cater for visitors, staff and residents of the RACF, ("Residential Aged Care Facility"). The RACF itself adds a different type of residential use which adds to housing diversity. The proposed café or Restaurant would further enhance the use and cater to the RACF as well as the immediate local neighbourhood.

***Is the planning proposal consistent with the local council's community plan or other strategic Plan?***

***Cumberland Council Community Strategic Plan 2017-2027***

The Cumberland Council Community Strategic Plan 2017- 2027 is a framework to deliver on the visions, aspirations, and priorities of Cumberlands diverse community. It expands on the visions of Cumberland Council for its area, including Auburn, and informs the actions that will be undertaken by the Council to achieve their goals over a ten year time period from 2017- 2027.

The main themes under this plan are:

- ✓ A place which celebrates cultural diversity
- ✓ An inclusive, harmonious and welcoming community
- ✓ A place of learning and leadership
- ✓ A vibrant centre for economic growth
- ✓ A sustainable city

The subject Planning Proposal is not inconsistent with the above visions as it fosters amenity to the organisation's community of residents and visitors. It triggers a positive social impact while also enhancing the economy by providing employment during and post the construction phase. It also plays a positive role for the Mosque users. Overall it enhances the convenience and provides a better service to the surrounding local community. The Planning Proposal will also add positively to the amenity for the anticipated increase in local population around Auburn to serve the small basic day to day needs.

***Draft Auburn and Lidcombe Town Centres Strategy***

The subject site is in Precinct 22 of the Auburn Town Centre and that Precinct is the subject of a recommendation that a study be done to determine future design parameters such as height and floor space ratio to guide further development of the precinct. The subject planning proposal will have no impact on the study and nor will the proposed study have any impact upon the café that fits into an already approved neighbourhood shop

***Auburn Residential Development Strategy***

The Auburn Residential Development strategy is set to identify locations in the Auburn City that can accommodate the growing residential population that Auburn has to take in the coming years. The subject site is within an approved neighbourhood shop that in turn is a part of an approved RACF in Area 7A that is an area identified in the strategy as having the potential for higher density residential development. This could occur in the rest of area 7A.

***Is the planning proposal consistent with applicable state environmental planning policies?***

Consideration has been given to the State Environmental Planning Policies that are relevant to this planning proposal.

The following table provides an assessment of the planning proposal against the State Planning Environmental Planning Policies that may be relevant to the proposed development on the site:

State Environmental Planning Policy	Consistency
<b>State Environment Planning Policy No. 55- Remediation of Land</b>	The Planning Proposal does not result in a more sensitive or contaminating land use on the site. The proposal will not contain provisions inconsistent with the SEPP nor hinder the

	application of the SEPP.
<b>State Environment Planning Policy No. 64 – Advertising and Signage</b>	Any development application for signage is subject to the provisions of this SEPP. The aim of this policy is to ensure that signage erected is compatible with the desired amenity and visual character of the area it is located in. Any signage employed will be assessed against this SEPP and regulated by way of conditions of development consent. Hence the Planning Proposal is consistent in this regard.

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

The following table provides an assessment of the planning proposal against the relevant Section 117(2) Ministerial Directions:

<b>Section 117 Direction Consistency</b>		
<b>No. and Title</b>		
<b>3. Housing, Infrastructure and Urban Development</b>		
<b>Direction 3.1- Residential Zones</b>		The planning proposal does not alter the R2 zone boundary and is therefore not inconsistent with the objectives of this direction.
<b>Direction 3.4- Integrating Land Use and Transport</b>		The planning proposal does not alter the R2 zone and is consistent with the objectives to provide services within proximity to the residents of the RACF while also serving the visitors and the users of the Mosque along with the broader scope of catering to the local residents of the community.
<b>Local Plan Making</b>		
<b>Direction 6.1- Approval and Referral Requirements</b>		The Planning Proposal does not include provisions requiring the concurrence, consultation or referral of applications. The Planning proposal does not identify the development as designated development.
<b>Direction 6.3- Site Specific Provisions</b>		The proposal is focussed on a site that is a part of a RACF (Nursing Home) and it is intended to add a Café function to the shop already approved on the subject property. By adding a café type function to the shop it will provide a better alternative service to the residents of the RACF and other local residents who live in the locality as well as attendees at the Mosque. Therefore a site specific LEP to permit the extra use is the appropriate course of action instead of following Direction 6.3 as the provisions are of minor significance.
<b>Metropolitan Planning</b>		
<b>Direction 7.1- Implementation of the Metropolitan Strategy</b>		As discussed previously, the proposal is consistent with the visions, objectives and goals of the Metropolitan Strategy and is of minor significance.

### **5.3 Section C- Environmental, Social and Economic Impact**

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

The subject site is one of the sites to be amalgamated as 9-13 Gelibolu Parade to accommodate the previously approved RACF (Nursing Home), under the DA 189/2015, which also includes the approval for a neighbourhood shop as a part of it. The proposal is to add a café function within this approved shop.

Being located within the council approved shop for the RACF, it is well noted that there would be no adverse effects to any critical habitats or threatened species, populations or ecological communities, or their habitats.

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

In determining the range of additional uses to be permitted, consideration was given to the social and economic effects as well as traffic and parking implications of the land uses nominated by the proponent.

### **Social and Economic Effects**

To allow a 'café' as an additional permitted use is unlikely to result in any adverse social or economic impacts in terms of competition and employment on other established centres for the following reasons:

- The shop/café is intended to only serve a local function and because of the type and origins of its customers, it will have no impact on similar facilities in the Auburn Town Centre;
- Depending on how custom develops the facility could end up employing 3 – 5 staff, after starting with 3;
- The café will serve refreshments such as coffee, tea and cold drinks along with readymade food such as cakes and biscuits. The café is not dissimilar in nature to a neighbourhood shop as both generally function to serve daily needs of the residents of the surrounding local community; and
- A small scale café within a convenience shop is compatible with the residential aged care facility neighbourhood, and is unlikely to result in any activities that would adversely impact the existing built and natural environment.

### **Traffic and Parking**

It is expected that most customers at the Shop/café will be from the RACF, sometimes with their Visitors for whom parking is already allocated in the basement. Local residents are likely to walk to the shop/café and any attendees from the mosque congregation are likely to already have a parking space nearby and will drop into the shop/café on their way back to their vehicle. In accordance with the requirements of the auburn council DCP two parking spaces have been allocated for the shop and are already included in the basement parking which would suffice. A basement plan showing the parking spaces allocated to the shop and the goods vehicle service or set down area for the shop/café are also shown on the attached plan at Annexure B.

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

The Planning Proposal will have numerous positive social and economic benefits as described above.

## **5.4 Section D- State and Commonwealth Interests**

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

The proposal does not involve building works or intensification of uses on site. Rather the intent of the planning proposal is to add the function of a "café" within the approved neighbourhood shop to serve better amenity to the residents, visitors and the congregation of the Mosque. On this basis, the existing public infrastructure will adequately cater for the proposal.

### ***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?***

No consultation with State or Commonwealth authorities has been carried out to date on the planning proposal as this will happen if a gateway determination is issued.

The Gateway determination will provide a list of public authorities, if any, that will need to be consulted. It is proposed that public authority consultation be undertaken concurrently with community consultation.

## **6. PART 4- MAPPING**

Given the planning proposal is to include a Cafe as an additional permitted use there are no proposed changes to the current zoning map.



## 7. PART 5- COMMUNITY CONSULTATION

- 7.1. The Gateway determination will stipulate the nature and extent of the required community consultation in accordance with the requirements set out in "A Guide to preparing Local Environment Plans".
- 7.2. It is anticipated that the planning proposal will be placed on public exhibition for a minimum period of 28 days. Notification of the public exhibition to adjacent land owners and residents via:
- A notice in the Local newspaper;
  - On Councils website; and
  - In writing to adjoining land owners.
- 7.3. The exhibited material will contain a copy of the Planning Proposal ("PP") and relevant maps supported by a written notice describing the objectives and intended outcomes of the proposal, the land to which the proposal applies and an indicative time frame for finalisation of the Planning Proposal.
- 7.4. The draft Planning Proposal along with all the supporting documentation will be placed on public exhibition at Council's Administration buildings and the local public libraries.

## 8. PART 6- PROJECT TIMELINE

**Project Timeline Table**

Milestone	Date
1. Planning Proposal submitted for Gateway Determination	
2. Receive Gateway Determination	
3. Public exhibition process and consultation commences	
4. Consideration of submissions	
5. Post exhibition report to Council	
6. Council forwards final Proposal to Department for gazettal	

## 9. CONCLUSION

This Report has addressed the Department's requirements set in the "Guide to Preparing Planning proposals". The resulting proposal is considered appropriate for the following reasons:

- The application for the PP is generally consistent with all the relevant State, Regional and Sub-Regional Strategies, State Environmental Planning Policies and Ministerial Directions applying to the site and locality.
- The application for the PP is also consistent with the Council's- Auburn Community Strategic Plan 2013 –2023 objectives and directions.
- The planning proposal is unlikely to give rise to any adverse social or economic effects and will have a positive social and benefit through the creation of small employment opportunities during construction and the on-going operation and improving the availability of refreshments, food and convenience goods available to the residents of the RACF and the visitors along with the users of the Mosque and the residents of the surrounding local community.

This Application for a Planning Proposal has also been prepared in accordance with the DoPE's draft Practice note on "Schedule 1- Additional Permitted Uses- in the Standard Instrument".

---

## July 2017

The Reference to 'CAFE' has been changed to 'SHOP & CAFE'  
Some Additional Tables & Charts Added

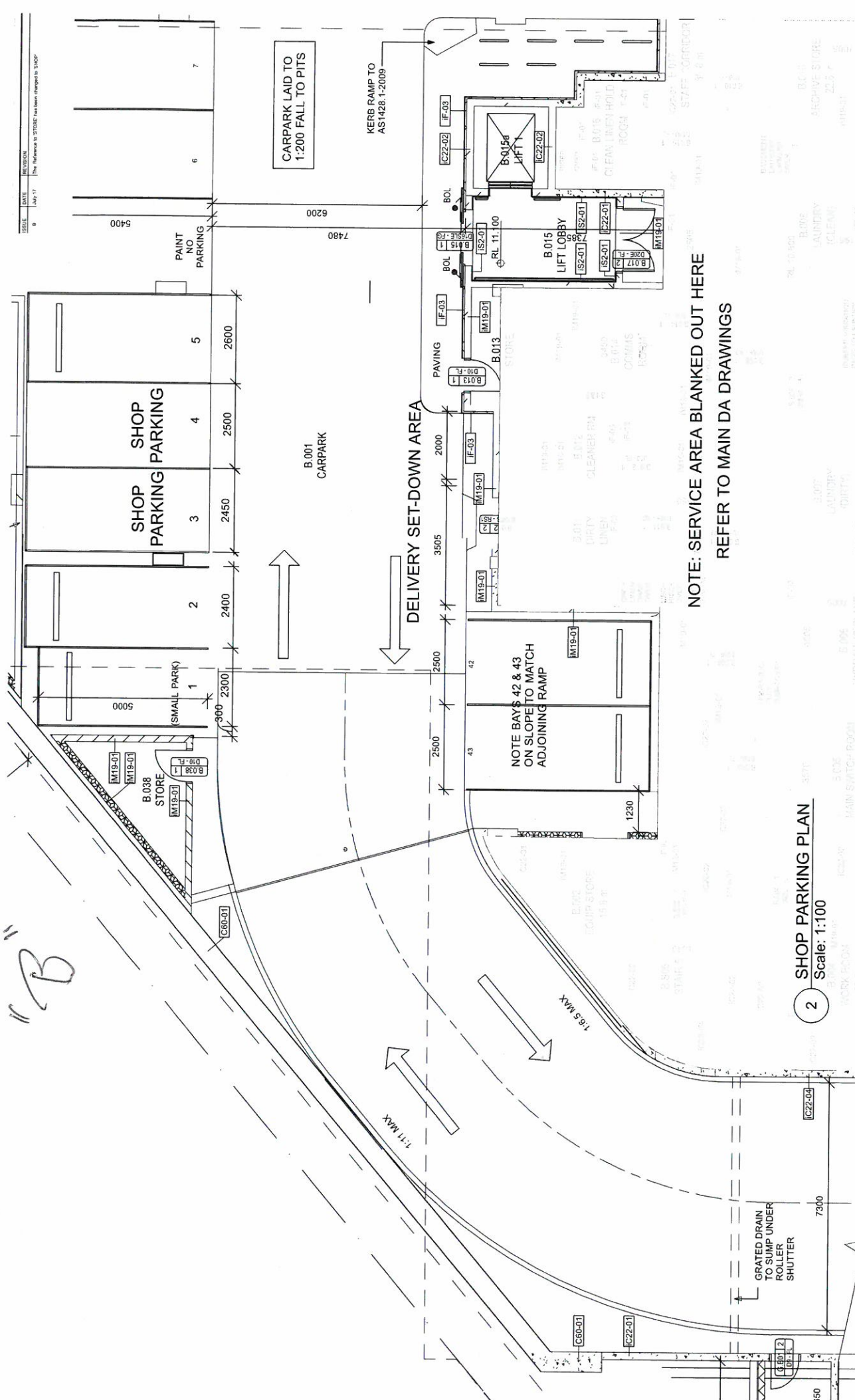
[illegible]

**SITE:**  
9-13 GELBOLL PARADE  
AUBURN, NSW 2144

**DRAWING TITLE:**  
**PROPOSED  
SHOP & CAFE LAYOUT**

REVISION NO: <b>E</b>	DRAWN BY: BG
DRAWING NO: <b>A 001</b>	Modified by: BG
	CHECKED BY: Checked by:
<b>1:100 at A3</b>	PROJECT NO: <b>CIA 2016-0156</b>

A3



2 SHOP PARKING PLAN  
Scale: 1:100

NOTE: SERVICE AREA BLANKED OUT HERE  
REFER TO MAIN DA DRAWINGS

REVISION	DATE	DESCRIPTION
1	1 July 17	The Reference to STORE has been changed to 'SHOP'

**CAMPBELL LUSCOMBE ARCHITECTS**  
Studio 3, Level 3  
35 Buckingham Street  
Surrey Hills, NSW 2010  
P +61 2 9310 4211  
E info@clarchitects.com.au  
W www.clarchitects.com.au  
ABN 65 141 119 413

**PROJECT NAME:**  
RACF AUBURN - SHOP

**CLIENT:**  
NSW AUBURN TURKISH ISLAMIC  
CULTURAL CENTRE INC.  
IMPACT GROUP

**SITE:**  
9-13 GELBOLU PARADE  
AUBURN, NSW 2144

**DRAWING TITLE:**  
PROPOSED CONVENIENCE  
SHOP PARKING LAYOUT

**REVISION NO:**  
B

**DRAWING NO:**  
DA 02

**DRAWN BY:**  
BG

**Modified BY:**  
BG

**CHECKED BY:**  
BG

**Checked by:**  
BG

**PROJECT NO:**  
CLA 2016-0156

**1:100 at A3**