

Item No: C02/18-7

PLANNING PROPOSAL REQUEST FOR 9 AND 11 GELIBOLU PARADE, AUBURN

Responsible Division: Environment & Infrastructure
 Officer: Group Manager - Planning
 File Number: PP-3/2017
 Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

Proponent	Gallipoli Turkish Cultural Foundation Limited
Owner	Gallipoli Turkish Cultural Foundation Limited
Description of Land	9 and 11 Gelibolu Parade, Auburn
Site Area	958m ² area within an existing Residential Aged Care Facility (RACF) that occupies a total site area of 3,894m ²
Proposal summary	To introduce 'restaurant or café' (limited to 80m ² Gross Floor Area) as an additional permitted use on the site
Existing Zoning and Planning Controls	Zoning: R2 Low Density Residential Height: 9m FSR: N/A Additional Permitted Uses: Nil
Proposed Zoning and Planning Controls	Zoning: R2 Low Density Residential Height: 9m FSR: N/A Additional Permitted Uses: Restaurant or Café (80m ² max.)
Disclosure of political donations and gifts	Nil

A report on the assessment of a Planning Proposal request for 9 and 11 Gelibolu Parade, Auburn (PP-3/2017) was considered by the Cumberland Independent Hearing and Assessment Panel (Cumberland IHAP) at the meeting of 13 December 2017 [Item C050/17]. The Cumberland IHAP recommended that Council proceed with the proposal to permit the additional uses proposed for the site.

This report seeks a Council resolution to prepare a Planning Proposal to be submitted to the Department of Planning and Environment (DP&E) for Gateway Determination to formal and community consultation consistent with the Cumberland IHAP's recommendation.

RECOMMENDATION

That Council prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010 (ALEP 2010) to introduce 'restaurant or café' (limited to 80m² Gross Floor Area) as an additional permitted use on the site of 9 and 11 Gelibolu Parade, Auburn within the Residential Aged Care Facility (RACF) on the site, and forward it to the Department of Planning and Environment seeking a Gateway Determination to proceed to formal Community Consultation.

REPORT

Background

A Planning Proposal request for a site at 9 and 11 Gelibolu Parade, Auburn (Figure 1), was lodged with Council by Smyth Planning on behalf of the proponent, Gallipoli Turkish Cultural Foundation Limited, on 29 August 2017.

The proposal seeks to amend Schedule 1 of *Auburn Local Environmental Plan 2010* (ALEP 2010) to introduce a 'Restaurant or Café' (of less than 80m² Gross Floor Area) as an additional permitted use.

The proposal does not seek to amend the existing R2 Low Density Residential zoning (Figure 2) or principal development controls.

The subject site has an approximate site area of 958m² and sits within the larger 3894m² site where the recently approved Residential Aged Care Facility (RACF) is currently under construction. The three-storey RACF comprises 102 units and a neighbourhood shop, with on-site basement car parking. The subject site is situated within an 800m radius of the Auburn Town Centre, and is located approximately 590m from Auburn Train Station and approximately 70m from the Auburn Gallipoli Mosque.



Figure 1. Aerial map of the site and immediate surrounds



Figure 2. Auburn LEP 2010 - Land Zoning Map

Cumberland Independent Hearing and Assessment Panel

The Cumberland Independent Hearing and Assessment Panel (Cumberland IHAP) considered this matter at its meeting on 13 December 2017 [Item C050/17].

The Council officer's report to the Cumberland IHAP provided an assessment of the planning justification for the proposal including its context, relationship to the strategic framework, and social/environmental issues carried out for the proposal. A copy of this report is provided at Attachment 1. Due to the small scale nature of the proposal, no issues were identified during the assessment of this Planning Proposal request. No submissions were received during the preliminary consultation.

At the meeting, the Cumberland IHAP unanimously recommended that the Planning Proposal for 9 and 11 Gelibolu Parade, Auburn, proceed to the Department of Planning and Environment for a Gateway Determination, followed by Post-Gateway community consultation. A copy of the Cumberland IHAP's recommendation and minutes is provided at Attachment 2.

COMMUNITY ENGAGEMENT

The Planning Proposal request was publically exhibited for a period of 14 days from 13 September to 27 September 2017, in accordance with Council's Planning Proposal Notification Policy. In response to the exhibition, Council received no written submissions during or after the exhibition period.

Should Council proceed with the Planning Proposal, formal community consultation would be undertaken in accordance with any Council resolution and Gateway determination.

Should the Planning Proposal proceed, notices would be placed in the local newspaper and Council's website as part of the formal post-Gateway community consultation.

POLICY IMPLICATIONS

The proposal is for an amendment to Schedule 1 of *Auburn Local Environmental Plan 2010* (ALEP 2010).

RISK IMPLICATIONS

This report seeks a Council resolution to proceed to Gateway and as such there are minimal risk implications for Council associated with this report.

FINANCIAL IMPLICATIONS

The Planning Proposal request was submitted with the relevant fee. There are no other financial implications for Council associated with this report.

CONCLUSION

The Planning Proposal request seeking to amend Schedule 1 of *Auburn Local Environmental Plan 2010* (ALEP 2010) to introduce a 'Restaurant or Café' as an additional permitted use, was considered by the Cumberland IHAP on 13 December 2017. The Cumberland IHAP recommended that the Proposal be supported and progressed by Council.

ATTACHMENTS

1. Report to Cumberland IHAP [Item C050/17]
2. Minutes of Cumberland IHAP of 13 December 2017
3. Assessment Report of Planning Proposal Request and relevant appendices

DOCUMENTS
ASSOCIATED WITH
REPORT C02/18-7

Attachment 1
Report to Cumberland IHAP [Item
C050/17]

C050/17

Cumberland Council

Planning Proposal Request for 9 and 11 Gelibolu Parade, Auburn

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: PP-3/2017

Application lodged with Cumberland Council	29 August 2017		
Proponent	Gallipoli Turkish Cultural Foundation Limited		
Owners	Gallipoli Turkish Cultural Foundation Limited		
Description of Land	9 and 11 Gelibolu Parade Auburn		
Site Area / Description of existing use	Total site area of 3894m ² with approximately 958m ² within the Residential Aged Care Facility (RACF)		
Existing and Proposed Controls	ALEP 2010 Controls	Existing ALEP 2010 Controls	Proposed ALEP 2010 Controls
	Zoning	R2 Low Density Residential	R2 Low Density Residential
	Height of Building	9 m	9 m
	Floor Space Ratio	N/A	N/A
	Additional Permitted Uses	No additional uses permitted	Restaurant or Cafe
Disclosure of political donations/gifts	Nil		
Previous Considerations	Nil		

Summary:

A Planning Proposal Request has been submitted to Council seeking 'restaurant or café' (limited to 80m² Gross Floor Area) on the site of 9 and 11 Gelibolu Parade, Auburn as part of a 'neighbourhood shop' within the Residential Aged Care Facility (RACF) that is currently under construction on the site. It is proposed that this additional use be permitted under *Schedule 1* of the *Auburn Local Environmental Plan 2010 (ALEP 2010)*. The Planning Proposal would not amend the site's existing R2 Low Density Residential zoning or principal development controls. The report recommends that the Planning Proposal Request (**Appendix 1, of Attachment 1**) be supported and forwarded to Council for a resolution to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination. The Planning Proposal Request was exhibited for a period of 14 days from 13 September 2017 to 27 September 2017 and no written submissions were received during or after the exhibition period.

C050/17

Cumberland Council

Report:***Background***

A Planning Proposal request for a site at 9 and 11 Gelibolu Parade, Auburn, was lodged with Cumberland Council by the proponent's consultant, Smyth Planning on 29 August 2017. The site is currently zoned R2 Low Density Residential and the current land use does not permit the use of the site as a 'Restaurant or Café'.

The proposal seeks amendments to Auburn LEP 2010 as follows:

- Amend Schedule 1 of Auburn Local Environmental Plan 2010 (ALEP 2010) to introduce a 'Restaurant or Café' as an additional permitted use of less than 80m² Gross Floor Area.

The proposal does not seek to amend the existing R2 Low Density Residential zoning or principal development controls.

Site and Surrounds

The site is an irregular shape as shown in Figure 1, and has an approximate site area of 958m². The site is bounded by St Hilliers Road to the east, Gelibolu Parade to the south, unnamed laneway to the west and residential lots to the north. The subject site is situated within 800m radius of the Auburn Town Centre, and is located approximately 590 metres from Auburn Train Station and approximately 70m from Auburn Gallipoli Mosque.

The subject site sits within the larger 3894m² site approved for a three-storey Residential Aged Care Facility (RACF) which is currently being constructed, comprising 102 units and a neighbourhood shop, with on-site basement car parking.

The following land use surround the site includes:

- R2 Low density residential area bound by IN2 Light industrial zone,
- Immediately to the south along Gelibolu Parade runs the western rail line corridor,
- To the west of a laneway (un-named), is the Auburn Gallipoli Mosque and low density residential development.

C050/17

Cumberland Council



Figure 1: Aerial photograph of the site and immediate surrounds
(Source. Council's Exponare map (2017))

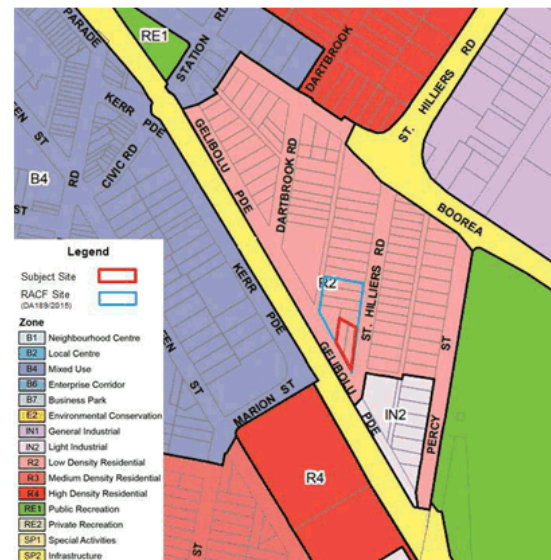


Figure 2: Auburn LEP 2010: Existing Land Zoning Map
(Source. Extract of ALEP 2010)

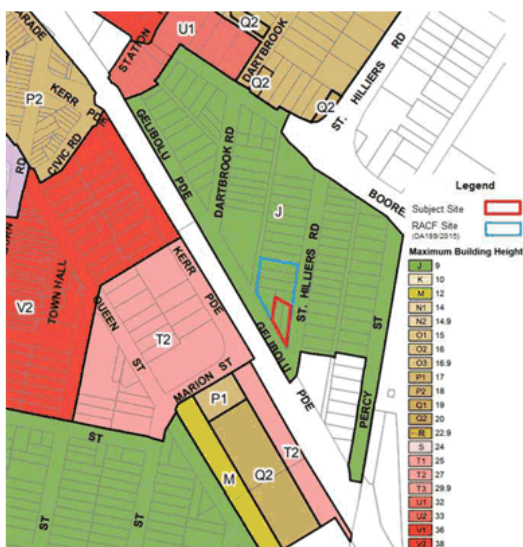


Figure 3: Auburn LEP 2010: Existing Height of Buildings Map (Source. Extract of ALEP 2010)

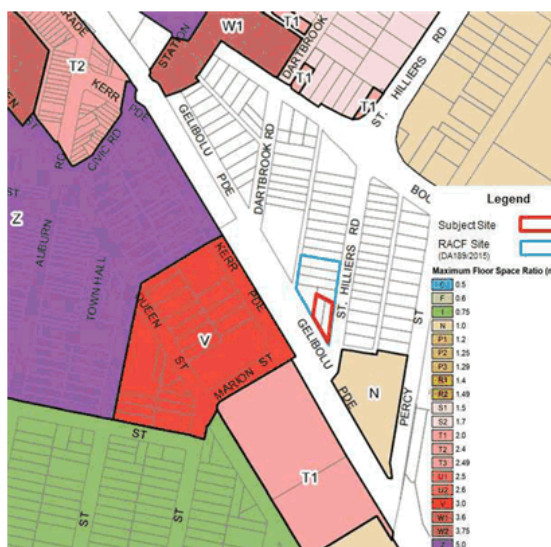


Figure 4: Auburn LEP 2010: Existing Maximum Floor Space Ratio (Source. Extract of ALEP 2010)

C050/17

Cumberland Council



Figure 5: View of the RACF site (which, is currently being constructed) from eastern side of Auburn Gallipoli Mosque



Figure 6: View of the RACF site from St Hilliers Road

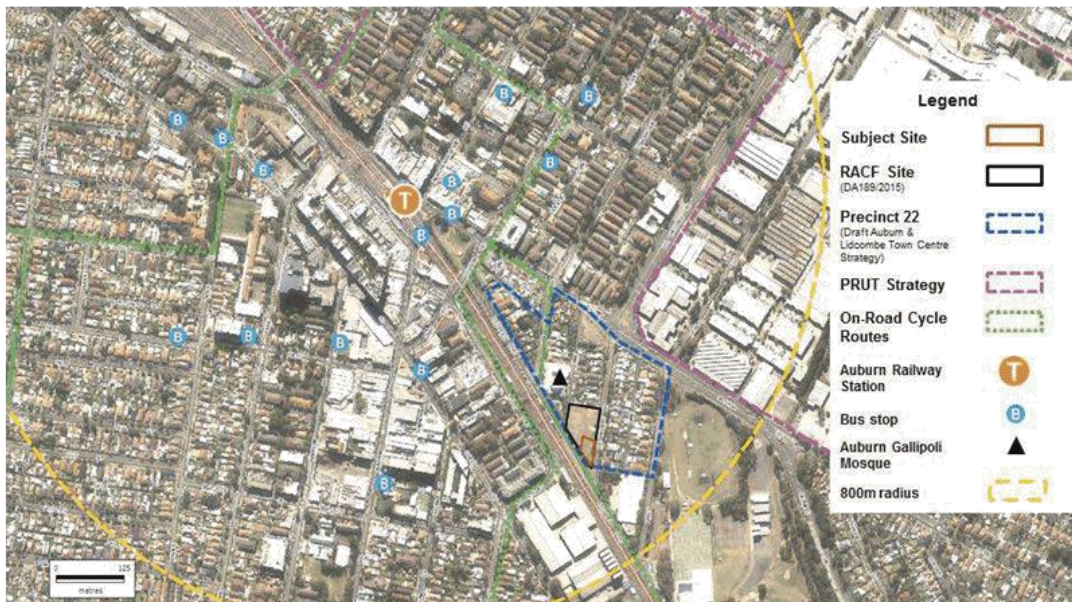


Figure 7: Aerial view of the site and its broader context (Source. Council's Exponare map 2017)

C050/17

Cumberland Council

Preliminary Exhibition of Planning Proposal and Submissions received

On 29 August 2017, a Planning Proposal request was lodged with Cumberland Council and the proposal was publically exhibited for a period of 14 days from 13 September 2017 to 27 September, in accordance with Cumberland Council's Planning Proposal Notification Policy.

In response to the exhibition, Council received no written submissions during or after the exhibition period.

Assessment of Planning Proposal

The Planning Proposal request sought to amend Schedule 1 of Auburn LEP 2010, to introduce a 'Restaurant or Café' on site as an additional permitted use. The intended outcomes for the proposal are:

- a) To provide an 'outside' facility for Residents of the RACF creating a significant social benefit;
- b) To create an opportunity for the Residents to mix with local residents of surrounding area;
- c) To provide a compatible and complementarily additional use for the site without threatening the economic viability of the Auburn Town Centre.

It is considered that the proposal meets the objectives and intended outcomes as it:

- a) Proposes to provide facilities or services to meet the day to day needs of residents;
- b) Delivers inclusive places for people of all ages and abilities that support healthy, and socially connected communities by permitting uses currently prohibited on the site.

The strategic merit of the additional uses has been assessed, as detailed in the Assessment Report found in Attachment 1. The Assessment outlines the consistency with the strategic planning framework, potential traffic, environmental, economic and social impacts, and the compatibility of the additional uses with the current residential zoning of the area.

The proposal is generally consistent with the criteria above that:

- a) The proposed additional use of 'Restaurant or Café' within the approved RACF, anticipates approximately 3-5 jobs to be created which would further contribute and increase Cumberland LGA's employment land targets.
- b) The traffic and parking impacts of the proposal are minimal as the proposal is situated within the approved RACF site where basement car parking is proposed for residents and visitors. The site is also within the 10 – 15 minute walking distance, and approximately 590 metres from Auburn Train station.

The proposal does not seek to change the existing R2 Low Density Residential zoning or principal development standards such as, zoning, height of buildings, floor space ratio or standard minimum lot size.

Conclusion:

A detailed assessment (Attachment 1) of the application was undertaken and it is recommended that the proposed amendments to the Schedule 1 of Auburn LEP 2010 to introduce 'Restaurant or Café' on the subject site as an additional permitted use, be supported.

C050/17

Cumberland Council

Next Steps

If Cumberland IHAP supports the recommendations in this report for the Planning Proposal Request affecting land situated at 9 and 11 Gelibolu Parade, Auburn, the matter will be reported to Council for endorsement and a resolution to proceed to formal community consultation. The Planning Proposal could then be forwarded to the Department of Planning and Environment (DP&E) for Gateway Determination.

Consultation:

Should the Panel recommend that Council proceed with the Planning Proposal, formal community consultation would be undertaken in accordance with any Council resolution and gateway determination.

Financial Implications:

The Planning Proposal request was submitted with the relevant fee. There are no further financial implications for Council associated with this report.

Policy Implications:

This report recommends proceeding to formal community consultation with a proposal to amend the Auburn LEP 2010.

Communication / Publications:

Should the Planning Proposal proceed, notices would be placed in the local newspaper and Council's website as part of the formal community consultation. Letters would also be sent to adjoining land owners.

Report Recommendation:

That the Cumberland IHAP recommend to Council that the Planning Proposal for 9-11 Gelibolu Parade, Auburn proceed to Gateway and formal community consultation.

Attachments:

1. Planning Proposal Assessment Report.

**DOCUMENTS
ASSOCIATED WITH
REPORT C02/18-7**

Attachment 2

**Minutes of Cumberland IHAP of
13 December 2017**

that Section 94 Contributions are payable.

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

[Condition no. 6 amended by Section 96(1A) application no. DA-189/2015/C]

For: Paul Stein AM, QC(Chairperson), Brian McDonald, Brian Kirk and Bruce Simpson.

Against: Nil

Reasons for decision:

The Panel concurs with the Council Officers report and recommendation.

ITEM C050/17 - PLANNING PROPOSAL REQUEST FOR 9 AND 11 GELIBOLU PARADE, AUBURN

Note: Mr. Richard Smyth addressed the Panel on this item.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the Planning Proposal for 9-11 Gelibolu Parade, Auburn proceed to Gateway and formal community consultation.

For: Paul Stein AM, QC(Chairperson), Brian McDonald, Brian Kirk and Bruce Simpson.

Against: Nil

Reasons for decision:

The Panel concurs with the Council Officers report and recommendation.

ITEM C051/17 - REVISED PLANNING PROPOSAL AND REVISED DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN - 108 STATION STREET, WENTWORTHVILLE - POST EXHIBITION REPORT

Note: Mr. Andrew Robinson addressed the Panel on this item.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that they:

- 1. Endorse the revised Planning Proposal (dated September 2017) for 108 Station Street, Wentworthville and proceed to finalise the amendment to the Holroyd LEP 2013, in conjunction with the NSW Department of Planning and Environment.**
- 2. Adopt the revised draft site-specific DCP dated September 2017 for 108 Station Street, Wentworthville.**

For: Paul Stein AM, QC(Chairperson), Brian McDonald, Brian Kirk and Bruce Simpson.

DOCUMENTS
ASSOCIATED WITH
REPORT C02/18-7

Attachment 3

Assessment Report of Planning
Proposal Request and relevant
appendices

Gelibolu Parade Proposal – PP-3/2017

Proposal to amend the *Auburn Local Environmental Plan 2010* to introduce a 'Restaurant or Café' use as an additional permitted use within the Residential Aged Care Facility (RACF) on certain land at 9 and 11 Gelibolu Parade, Auburn.



17 November 2017

[TRIM: T101328/2017]

Report history

Date	Status
29/08/2017	Lodgement
17/11/2017	Assessment Report to Cumberland's IHAP

Table of Contents

Table of Contents	ii
1 Introduction	1
1.1 Executive Summary	1
1.2 Purpose of the report	2
1.3 Application Fee	2
1.4 Key Proponent Liaison with Council Prior to Lodgement	2
2 Existing situation	3
2.1 Land to which the proposal applies	3
2.2 Site description	3
2.3 Local context	4
2.4 Existing Planning Controls	8
3 Description of the proposal	12
3.1 Proposed planning controls and potential development	12
4 Assessment of the proposal	14
4.1 Objectives or intended outcomes	14
4.2 Explanation of provisions	15
4.3 Justification	15
5 Community Consultation	23
6 Recommendation	24

Appendix 1: Planning Proposal Request and Plans

Appendix 2: Consistency with NSW Strategic Policy Framework

Appendix 3: State Environmental Planning Policies (SEPPs)

Appendix 4: Regional Environmental Plans (Deemed SEPPs)

Appendix 5: Section 117 Ministerial Directions

1 Introduction

1.1 Executive Summary

This report provides an assessment of a Planning Proposal Request ('the Proposal') submitted to Cumberland Council on 29 August 2017 for 9 and 11 Gelibolu Parade, Auburn (Lot B and C, DP 374304) ('the subject site') which is at **Appendix 1**. An aerial map showing the subject site and the surrounding area is shown in Figure 1.

The proposal was prepared by Smyth Planning ('the proponent's consultant') on behalf of Gallipoli Turkish Cultural Foundation Limited ('the proponent').

The proposal seeks to amend the Schedule 1 of the *Auburn Local Environmental Plan 2010* (Auburn LEP 2010) to introduce a 'Restaurant or Cafe' as an additional permitted use of less than 80m² Gross Floor Area. The proposal does not amend the site's existing R2 Low Density Residential zoning or principal development standards.

The proposal argues that the site:

- is fit for the use of 'Restaurant or Café' with as an additional permitted use as part of a 'Neighbourhood Shop', that is already approved within the Residential Aged Care Facility (RACF);
- supports and protects residential land for residential uses by retaining the existing R2 Low Density Residential zone;
- will provide a social benefit to the residents of the Residential Aged Care Facility (RACF) and the wider local communities visiting the site and the nearby Auburn Gallipoli Mosque;
- will generate a positive contribution to local employment as the proposal intends to create 3-5 jobs;
- The scale and uses sought in the proposal is unlikely to affect the existing and potential use of the surrounding residential and industrial area.
- is unlikely to create any traffic, parking and transport impacts as a result of the proposed use. The two on-site basement car parking spaces are proposed to be allocated for the café.

The Planning Proposal Request was exhibited for a period of 14 days from 13 September 2017 to 27 September 2017, in accordance with the *Cumberland Council's Planning Proposal Notification Policy* as adopted by Council.

No written submissions were received during or after the exhibition period.

This report recommends that the request for a Planning Proposal be supported by Council.

1.2 Purpose of the report

The purpose of this report is to assess the merits of the proposal applying to land at 9 and 11 Gelibolu Parade, Auburn, in accordance with local and state government legislation and policies.

This 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 Council.

1.3 Application Fee

On 29 August 2017, the proponent – Gallipoli Turkish Cultural Foundation Limited, has paid the Planning Proposal request fee of \$11,939.80 as per Cumberland Council's *Revenue Policy including Fees and Charges 2016/17* to lodge the proposal with Council.

1.4 Proponent liaison with Council

The proponent's consultant lodged a draft Planning Proposal request for Council's preliminary review on 12 April 2016. Council staff provided further preliminary comments on the proposal and Council received the revised draft preliminary planning proposal on June 2017 for a review.

On 29 August 2017, the proponent's consultant met with Council's Strategic Planning staff for Planning Proposal lodgement meeting.

Date	Purpose	Outcomes
April 2016	Proponent's consultant sent a draft preliminary planning proposal seeking Council's review	Council advised of required documentation and issues for consideration
June 2017	Proponent's consultant sent a revised draft preliminary planning proposal seeking Council's review	Council advised of a planning proposal checklist and an application form
29 August 2017	Planning Proposal lodgement meeting	Planning Proposal request submitted and application fees paid

Table 1: Key Correspondence between Council and the proponent's consultant

2 Existing situation

2.1 Land to which the proposal applies

The proposal applies to land at 9 and 11 Gelibolu Parade, Auburn ('the subject site') comprising Lot B and C of DP 374304. The subject site is approximately 958m² in size and sits within the approved Residential Aged Care Facility (RACF). The site is owned by Gallipoli Turkish Cultural Foundation Limited.

Figure 1 below shows an aerial view of the subject site outlined in red, RACF site outlined in blue with its immediate surrounds with street address overlay.



Figure 1: Aerial photograph of the site and immediate surrounds (Source. Council's Exponare map (2017))

2.2 Site description

The subject site is an irregular shaped includes an approximate site area of 958m² with a frontage width of 51m and a depth of approximately 25m. The site is bounded by St Hilliers Road to the east, Gelibolu Parade to the south, un-named laneway to the west and residential lots to the north. The site is situated approximately 590m from Auburn Railway Station and is located approximately 70m from Auburn Gallipoli Mosque.

The subject site is located within a part of the RACF site, where a DA-189/2015 was approved by Council for the subject site for the neighbourhood shop.

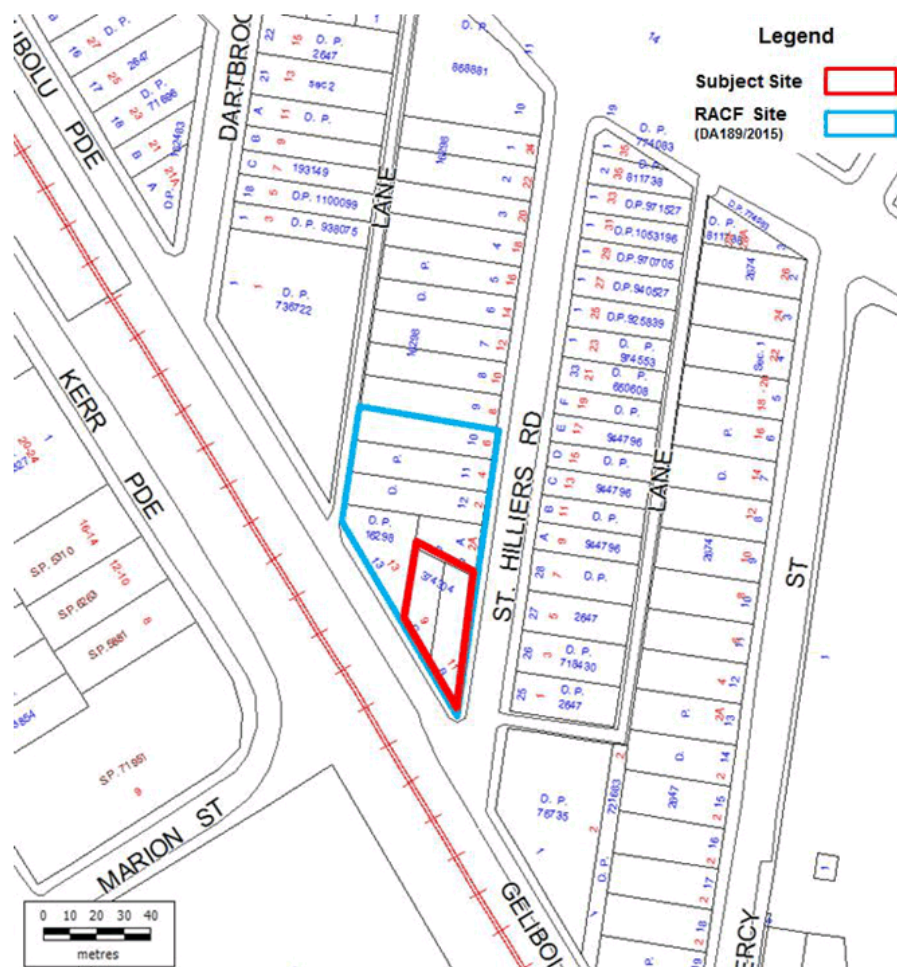


Figure 2: Site showing the cadastre and allotment (Source: Council's Exponare map (2017))

The site is currently being constructed for an erection of a three-storey Residential Aged Care Facility, comprising of 102 units and a neighbourhood shop, with on-site basement car parking. The RACF site comprises of Lot C DP 374304, Lot B DP 374304, Lot 13 DP 16298, Lot 12 DP 16298, Lot A DP 374304, Lot 11 DP 16298, Lot 10 DP 16298; (9, 11 & 13 Gelibolu Parade and 2, 2A, 4 & 6 St Hilliers Road, Auburn.

2.3 Local context

Figure 3 overleaf highlights the site outlined in red with its broader context, including the nearest bus stops and on-road bicycle routes. The site forms part of 'Precinct 22' as identified under Cumberland Council's *draft Auburn and Lidcombe Town Centre Strategy*. The subject site is situated within 800 metre radius of the Auburn Town Centre, and is located approximately 590 metres from Auburn's Railway Station (10 – 15 minutes walking distance) as shown in Figures 3 and 4. The site is further serviced by existing public bus transport services that could be accessed via from the Auburn Town Centre within 800 metres walking distance of the site.



Figure 3: Aerial view of the site and its broader context (Source. Council's Exponare map (2017))

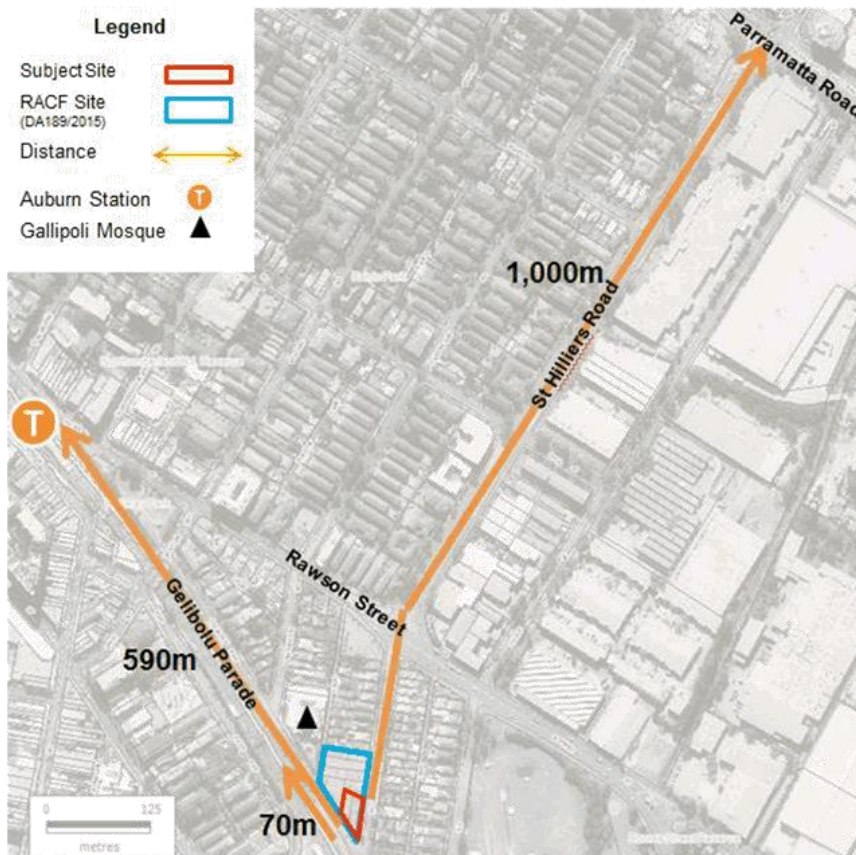


Figure 4: Aerial view of the site and its surrounding roads (Source. Council's Exponare map (2017))

The site is surrounded by the following roads as shown in the aerial photo in Figures 1 & 4:

The eastern side of the site includes a frontage to St Hilliers Road. St Hilliers Road is a primary arterial road and is classified as a State Road (*Roads and Maritime Services (RMS)* controlled). However, the road adjoin to the subject site has a minimal traffic impact due to the site surrounded by a low-density residential area and of low volume thoroughfares. St Hilliers Road permits unrestricted parking on both side of the road with residential dwellings along both frontages.

The southern side of the site includes a frontage to Gelibolu Parade. Gelibolu Parade is a local road and permits public parking fronting Western Railway Line which is located approximately 2-2.5 metres above the existing road level of Gelibolu Parade.

The western side of the site includes a frontage to a laneway (un-named) then, the Auburn Gallipoli Mosque.

The following land use surround the site includes:

- Low density residential area bound by IN2 Light Industrial Zone where a potential Planning Proposal has been lodged with Council seeking an additional permitted use.
- Immediately to the south along Gelibolu Parade runs the western rail line corridor. Further south, Queen Street Industrial Precinct is located.
- To the west of a laneway (un-named), is the Auburn Gallipoli Mosque and low density residential development.

Figure 5 to 10 shows the existing surrounding land uses and development.



Figure 5: View of Auburn Gallipoli Mosque on western side of the subject site



Figure 6: View of the RACF site (which, is currently being constructed) from eastern side of Auburn Gallipoli Mosque



Figure 7: View of the RACF site from St Hilliers Road



Figure 8: View of Gelibolu Parade from southern side of the site



Figure 9: View of Gelibolu Parade public car parking area along the Western Railway Line



Figure 10: Views of low density residential area along St Hilliers Road

2.4 Existing Planning Controls

The existing planning controls for the site are described in Table 2.

Address / Land	Zoning	Height	FSR	Minimum Lot Size (sqm)
9 and 11 Gelibolu Parade, Auburn Lot B & C of D374304	R2 – Low Density Residential	9m	N/A	450

Table 2: Existing planning controls

Auburn Land Environmental Plan 2010 (ALEP 2010)

Land Use Zoning

The subject site is zoned R2 Low Density Residential under the Auburn LEP 2010 as shown in Figure 11 overleaf. The subject site is outlined in red and RACF site is outlined in blue.

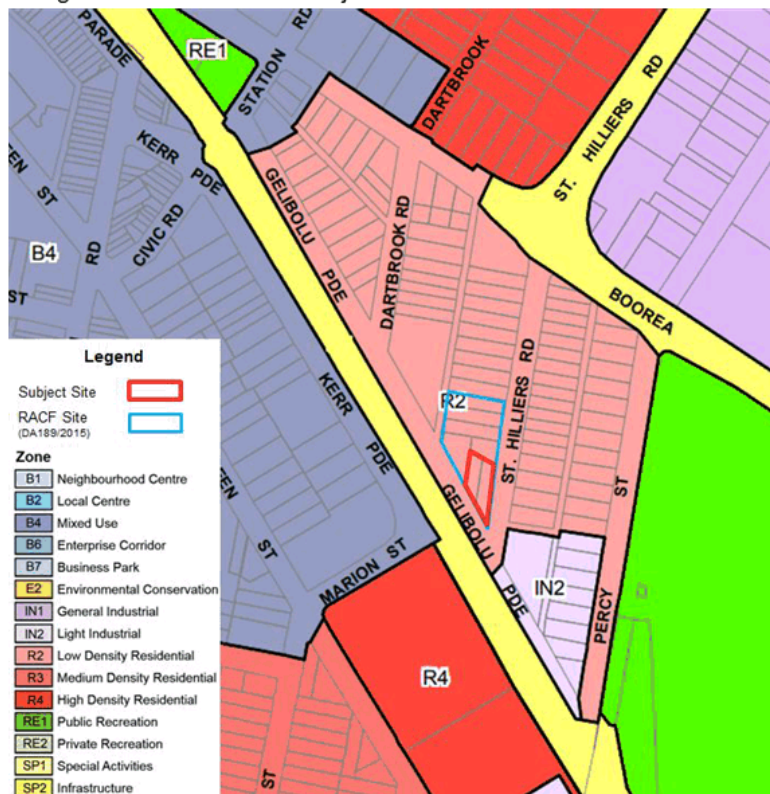


Figure 11: Auburn LEP 2010 – Land Zoning Map (Source. Extract of ALEP 2010)

The land surrounding the site is zoned:

- IN2 Light Industrial to the south east of the site
- R4 High Density Residential to the south opposite to Gelibolu Parade and Western railway corridor
- B4 Mixed use to the west opposite to Gelibolu Parade and Western railway corridor

The key objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

The land uses permissible within the R2 Low Density Residential zone include:

“Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Dual occupancies; Dwelling houses; Group homes; Neighbourhood shops; Respite day care centres; Roads; Semi-detached dwellings.”

The proposed ‘Restaurant or Café’ use is currently prohibited within the R2 Low Density Residential zone.

Height of Building

Height of Building Map (*Auburn LEP 2010*) shows a 9 metre maximum building height for the subject site as shown in Figure 12.

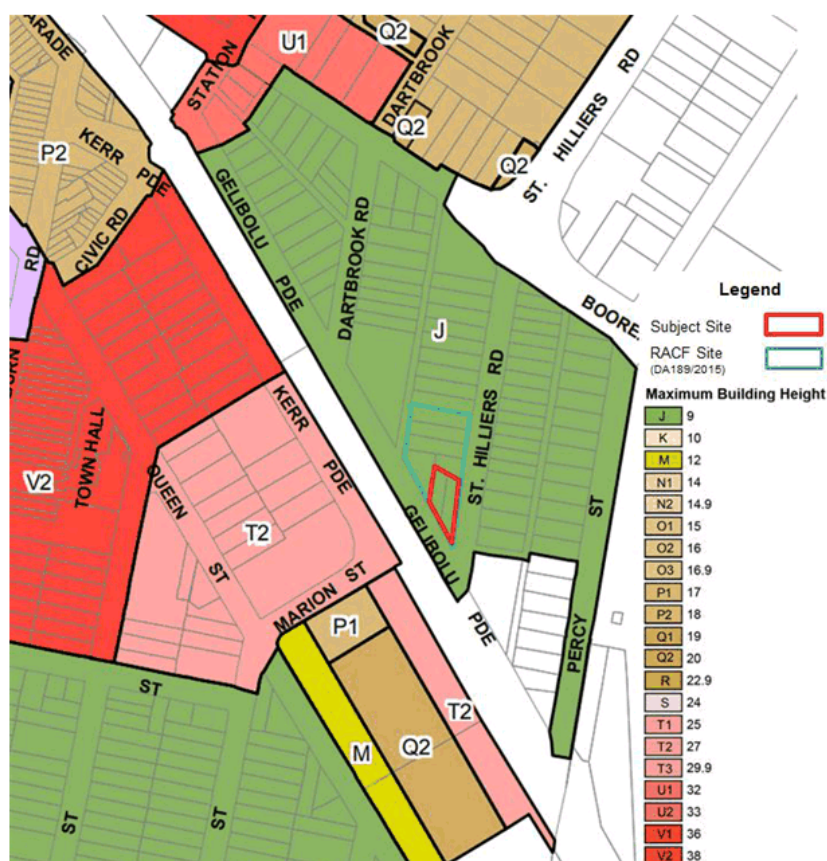


Figure 12: Auburn LEP 2010 – Height of Buildings Map (Source. Extract of ALEP 2010)

Floor Space Ratio

No FSR is classified for the subject site as shown in Figure 13 below.

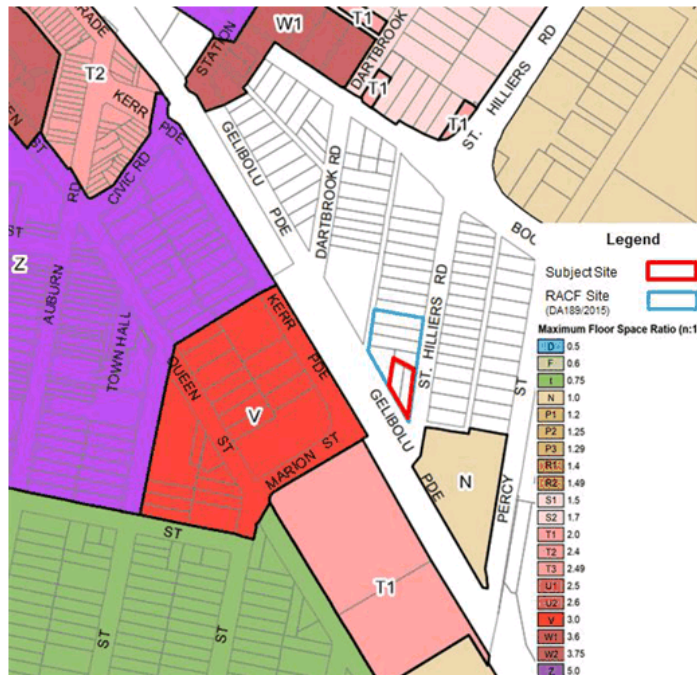


Figure 13: Auburn LEP 2010 – Maximum Floor Space Ratio (Source. Extract of ALEP 2010)

Heritage

The *Auburn LEP 2010* does not identify any items of heritage significance on the subject site. The identified heritage items within 300 metres radius include I8: Dwelling, I11: Dwelling, I40: Wyatt Park, Haslam Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain and I41: Strand of Eucalyptus Microcorys. The subject site is in the vicinity of Auburn Gallipoli Mosque, which is being investigated for its potential heritage significance.



Figure 14: Auburn LEP 2010 – Heritage Map (Source. Extract of ALEP 2010)

Flood Planning

The subject site is not classified under the Flood Planning Area in *ALEP 2010- Flood Planning Map* as shown in Figure 13.

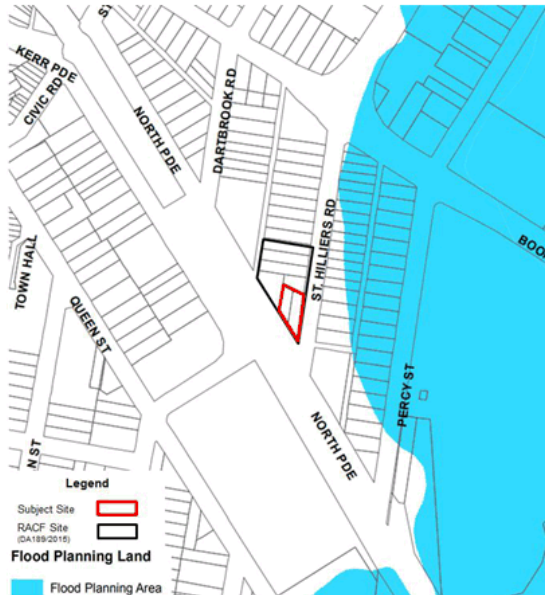


Figure 15: Auburn LEP 2010 – Flood Planning Map (Source. Extract of ALEP 2010)

Acid Sulfate Soils

The *Auburn LEP 2010* Acid Sulfate Soils Map indicates the site is situated on land classified as having Class 5 Acid Sulphate Soils. Class 5 Acid Sulphate Soil is the least affected category for development purposes.

Auburn DCP Controls 2010

The following *Auburn Development Control Plan 2010* (DCP) applies to the site.

- Detached Dwellings and Dual Occupancies
- Parking and Loading
- Advertising and Signage
- Access and Mobility

3 Description of the proposal

3.1 Proposed planning controls and potential development

The Planning Proposal request seeks to amend the *Auburn LEP 2010* to introduce a 'Restaurant or café' on site as an additional permitted use, in the following manner:

1. Amend Schedule 1 of the *Auburn LEP 2010*, 'Additional Permitted Uses' to introduce:

A 'restaurant or café' use of less than 80m² floor area as an additional permitted use as part of a 'Neighbourhood shop' that is already approved within the Residential Aged Care Facility (RACF) on land at 9 and 11 Gelibolu Parade Auburn.

The proposed LEP amendment would need to be achieved by an inclusion of a written clause in the *Auburn LEP 2010* under Schedule 1.

2. Amending *Auburn LEP 2010* 'Additional Permitted Uses' APU_002 map by inserting the subject site to illustrate where the proposed additional permitted use applies.

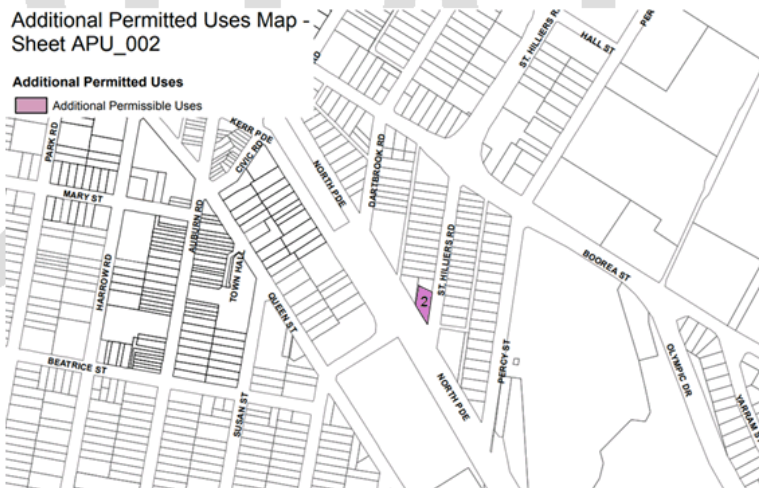


Figure 16: Draft Additional Permitted Uses map which identifies the site (9 and 11 Gelibolu Parade, Auburn). (Note: Figure 16 map is indicative only. Final map would be prepared if the Greater Sydney Commission supports the Planning Proposal.)

The *Auburn LEP 2010* defines the 'restaurant or café' use as follows:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of '**food and drink premises**' which sits with 'retail premises' under Parent term 'commercial premises'

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of **retail premises**

The Proposal does not propose new planning controls relating to the site for zoning, height of buildings, floor space ratio or standard minimum lot size.

DRAFT

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 key objectives for the proposal request are:

- a) To provide an 'outside' facility for Residents of the RACF creating a significant social benefit;
- b) To create an opportunity for the Residents to mix with local residents of surrounding area.
- c) To provide a compatible and complementarily additional use for the site without threatening the economic viability of the Auburn Town Centre.

It is considered that the proposal meets the objectives and intended outcomes as it:

- Proposes to provide facilities or services to meet the day to day needs of residents.
- Delivers inclusive places for people of all ages and abilities that support healthy, and socially connected communities by permitting uses currently prohibited on the site.

4.2 Explanation of provisions

Auburn LEP 2010

The proposal aims to introduce a 'Restaurant or Café' on site as an additional permitted use and amend the *Auburn LEP 2010* as discussed in Section 3.1 of this report.

Table 3 below shows a comparison of the key existing and proposed controls should the planning proposal is supported by Cumberland IHAP and Council.

ALEP 2010 Controls	Existing ALEP 2010 Controls	Proposed ALEP 2010 Controls
Zoning	R2 Low Density Residential	R2 Low Density Residential
Height of Building	9 m	9 m
Floor Space Ratio	N/A	N/A
Additional Permitted Uses	No additional uses permitted	Restaurant or Cafe

Table 3: Proposed changes to Auburn LEP 2010 maps

An amended LEP map on Additional Permitted Use, would be introduced to indicate where the proposed additional use would apply.

All other ALEP 2010 maps not be amended as a result.

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?

No. The Planning Proposal is not the result of a 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. The proposal request results from a request made from Smyth Planning on behalf of the proponent, to amend *Schedule 1 of Auburn LEP 2010* to allow 'Restaurant or Café' use within the neighbourhood shop approved as part of the RACF.

The proposal would be reported to Cumberland IHAP and a Council meeting for a decision.

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

Yes, amending *Schedule 1* of the *ALEP 2010* to include the proposed additional permitted use is the best means of achieving the objectives / intended outcomes of the proposal.

Option	Options to proceed with the Proposal	Applicant's response	Council officer assessment
1	Amend Schedule 1 of the <i>Auburn LEP 2010</i> to include 'Restaurant or Café' as an 'additional permitted use' for the site within the RACF (zoned R2 Low Density Residential).	Considers this as the most suitable approach.	<p>Council officers support the proponent's view and consider this option as the most suitable planning option to proceed due to reasons below:</p> <ul style="list-style-type: none"> Retains the existing R2 Low Density Residential zoning of the site and does not amend any principal development standards; Is generally consistent with Auburn LEP 2010's objectives for R2 Low Density Residential zoning as discussed in section 2.4; Is located within the residential aged care facility that is currently being developed and within close proximity of the Auburn Gallipoli Mosque, is considered a favourable location for the proposed use socially, environmentally and culturally; Unlikely to create any major environmental, social and economic impacts as a result of the proposal.
2	Rezoning the existing site's zoning to B1 Neighbourhood Centre	Rezoning of the site to B1 Neighbourhood Centre allows a permitted use of 'Restaurant or Café'. However, this approach is considered unsatisfactory in planning terms.	<p>This option is not considered supportable due to reasons below:</p> <p>Rezoning of the site to B1 Neighbourhood Centre could potentially generate negative impact to already established low density residential area surrounding the site.</p> <p>Be inconsistent with the existing character and uses of the area.</p>
3	Amend the R2 zone to include the 'restaurant or café' use under the permitted use	Considers that this approach is unsatisfactory in planning terms.	<p>This option is not considered supportable.</p> <p>It is considered this option could lead to significant impact to a much wider area than just the subject site. It is not considered necessary or appropriate for such investigations to be undertaken without a broader strategic base for a PP request.</p>

In summary, Option 1 is considered as the most effective way of achieving the key objectives and intended outcomes of this proposal. The option 2 and 3 would generate unsatisfactory outcome and would warrant detailed planning analysis applying to a broader area resulting in significant economic, social, traffic and environmental impacts within the Cumberland LGA.

The justification is supported by the following reasons:

- Option 1 would further support and encourage healthy and socially connected local community for the residents of RACF, local residents and the visitors of the area without significant social and environmental impacts on its surrounds.
- Does not amend any principal standards of *Auburn LEP 2010*.
- Requires only consideration and justification of additional uses for R2 Low Density Residential zoning on the site rather than for numerous sites.
- Amending Schedule 1 and the Additional Permitted Uses Map of the *Auburn LEP 2010* is considered to be the most effective and efficient way of achieving the objectives and intended outcomes of this proposal.

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 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:

- *Draft Greater Sydney Region Plan – A metropolis of Three Cities*
- *A Plan for Growing Sydney*
- *Draft Central City District Plan*

Draft Greater Sydney Region Plan – A metropolis of Three Cities

Greater Sydney Commission's *draft Greater Sydney Region Plan – A metropolis of Three Cities* replaces the former *A Plan for Growing Sydney*, once following of the finalisation of the Greater Sydney Region Plan. The draft Plan sets an overarching strategic planning policy to align land use, transport and infrastructure outcomes for Greater Sydney in concurrently with *Future Transport 2056* and *State Infrastructure Strategy* by Transport for NSW and Infrastructure NSW. The draft Plan provides set of objectives under the 10 directions set out in *Directions for a Greater Sydney 2017-2056*.

The proposal is consistent with

- Objective 6. Services and infrastructure meet communities changing needs
- Objective 7. Communities are healthy, resilient and socially connected

The proposal's consistency with the above is included under Appendix 2.

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. *A Plan for Growing Sydney* provides the policy context for decisions that will influence where people live and work, as well as how goods and services will move around Sydney. The plan provides direction on business location, housing choice, access to services and facilities, social and community outcomes and the quality of both the natural and built environment.

The proposal is consistent with:

- Direction 1.10 Plan for Education and Health Services
- Direction 3.1. Revitalise existing suburbs
- Direction 3.3 Create healthy built environment

The proposal's consistency with the above is included under Appendix 2.

Draft Central City District Plan

The *draft Central City District Plan* (draft CCDP) provides detailed sub-regional planning and implementation Strategy to support a draft Greater Sydney Region Plan and Directions for a Greater Sydney 2017-2056. The draft CCDP informs the preparation and review of LEPs by council and guides the decisions of State agencies. It is recognised in Part 3B of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as one of the types of strategic plans that guide and direct the content of local environmental plans (Information Note 6. GSC 2017).

The proposal is consistent with:

- C3. Providing services and social infrastructure to meet people's changing needs.
 - Action 8. Deliver social infrastructure to reflect the needs of the community now and in the future.
- C4. Fostering healthy, creative, culturally rich and socially connected communities
 - Action 10. Deliver inclusive places for people of all ages and abilities that support healthy, resilient and socially connected communities.
 - Action 14. Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places.

The proposal's consistency with the above is included under Appendix 2.

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

The proposal is consistent with the relevant actions and provisions of the following strategic planning policies:

- Draft Auburn and Lidcombe Town Centre Strategy
- Cumberland Community Strategic Plan 2017-2027

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. The strategy aims to inform the preparation of a planning proposal to amend zoning, floor space and height controls in Auburn LEP 2010 and guide future amendments to Auburn DCP 2010 for the Auburn Town Centres.



Figure 17: draft Auburn and Lidcombe Town Centre Strategy Precinct Map

The subject site is located on precinct 22 containing the Auburn Gallipoli Mosque within Auburn Town Centre. The draft strategy proposes zoning for the precinct is R3 Medium Density Residential, FSR of 0.75:1 and the maximum height of building of 9m.

Cumberland Community Strategic Plan 2017-2027

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 *Cumberland Community Strategic Plan 2017-2027* 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 served by public infrastructure and transport.

Table 4: Consistency with Cumberland Community Strategic Plan 2017-2027

Relevant CSP Strategic Goals	Relevant CSP outcome/s	Council's commitment to the outcome	How the proposal achieves the outcome
Strategic Goal 4. A strong local economy	We have a strong and diverse local economy supported by a network of small business	A mix of shops and businesses are encouraged in our town centres and employment lands	<p>The proposal proposes the amendment to the Auburn LEP 2010 to introduce a 'Restaurant or Café' use of less than 80m² floor area as an additional permitted use as part of a 'Neighbourhood shop'.</p> <p>The measures set to achieve CSP outcome includes 'Satisfaction with support of local jobs and businesses' and 'Suitability of local shops'.</p> <p>The introduce of 'Restaurant or Café' use for the subject site support the local job seekers being able to access to jobs locally.</p>

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 New South Wales.

The request seeks to introduce a 'Restaurant or Café' as an additional permitted use as part of a 'Neighbourhood shop'.

The planning proposal request is consistent with the applicable SEPPS and deemed SEPPS including:

- SEPP (*Housing for Seniors and People with a Disability*) 2004

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 and deemed SEPPs is provided at **Appendix 3 and 4**.

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 Infrastructure that need to be considered or given effect to in the preparation of draft LEPs.

- 3.1 Residential Zones
- 4.1 Acid Sulfate Soils
- 5.1 Implementation of Regional Plans
- 7.1 Implementation of A Plan for Growing Sydney

A full checklist analysis of the proposal's consistency with these strategies is provided at **Appendix 5**.

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 subject 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?*

The proposal may generate very minor noise, traffic, safety and car parking issues which will need to be further considered and addressed at the DA stage should the planning proposal request proceed.

There are no other likely environmental impacts as a result of the proposal if the additional uses proposed are contained within the existing RACF.

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

Yes. The planning proposal justifies the introduction of a 'Restaurant or Café' as an additional permitted use as part of a 'Neighbourhood shop' by addressing its small scale retail floor area and the purpose of the Café. The purpose of the Café use proposed to serve

refreshments and ready made food available to the residents of the RACF and the local community. The application states the proposal will generate a few job opportunities during construction and potentially create 3 to 5 jobs for the operation of the café facility.

4.3.4 Section D – State and Commonwealth interests

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

Yes. The subject site is located in Gelibolu Parade adjacent to St Hilliers Road which is currently served by existing roads and infrastructure services, utilities and public transport. The site is within a 10 - 15 minute walking distance and 590 meters from Auburn train station to the North West.

The proposal does not propose an intensification of the uses as, it proposes the use of 'Restaurant or Café' as part of the approved 'Neighbourhood shop'. The impact of traffic generated by the proposal is unlikely 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. And the proposed RACF also proposes on-site basement car parking for the Café and RACF. The two on-site basement car parking spaces are proposed to be allocated for the café.

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 as directed by a favourable Gateway Determination from the Department.

5 Community Consultation

The proposal was publically exhibited for a period of 14 days from 13 September 2017 to 27 September 2017, in accordance with 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 (Auburn and Merrylands) and Merrylands Library;
- Notification and exhibition of the proposal and all supporting documentation on a dedicated page on Council's website, and;
- Notification by mail of the public exhibition to adjoining and nearby land owners, of all land shown in the Figure 18.

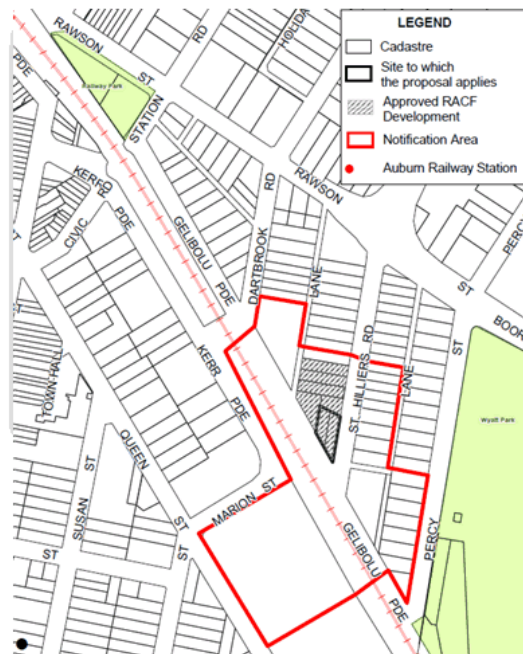


Figure 18: Map of the site and notification area of the proposal request

In response to the exhibition, Council received no written submissions during or after the exhibition period.

6 Recommendation

The proposal seeks to amend the *Auburn LEP 2010* to introduce a 'Restaurant or Café' use of less than 80m² floor area as an additional permitted use as part of a 'Neighbourhood shop' within the approved Residential Aged Care Facility (RACF), at 9 and 11 Gelibolu Parade, Auburn.

It is recommended that the proponent's proposal **be supported**, for the following reasons:

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 Greater Sydney Region Plan – A metropolis of three cities*;
- *Draft Central City 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 with the above:

The proposed additional use of 'Restaurant or Café' within the approved RACF, anticipates approximately 3-5 jobs to be created which would further contribute and increase Cumberland LGA's employment land targets.

The proposed additional use would help continue to maintain the existing R2 Low Density Residential zone and uses and introduce a retail use not exceeding 80m² floor area to further complement the primary use of the approved RACF.

The traffic and parking impacts of the proposal are minimal

The proposal is situated within the approved RACF site where basement car parking is proposed for residents and visitors. The subject site is located 10 – 15 minute walking distance and approximately 590 metres from Auburn Train station. The proposal will not generate any significant traffic impacts or car parking issues.

The proposal does not seek to change the existing R2 Low Density Residential zoning or principal development standards

The proposal seeks to provide a 'Restaurant or Café' use of the site for the residents of RACF and encourage social interaction with the wider local community from the surrounding area. The proposal would amend *Schedule 1- Additional Permitted Use of the Auburn LEP 2010* and does not amend the existing R2 Low Density Residential zoning and related principal development standards such as Height of Building, FSR and standard minimum lot size.

Appendix 1: Planning Proposal Request and Proposed Plans

**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:

On behalf of:

Smyth Planning

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

**The NSW Auburn Turkish
Islamic Cultural Centre Inc.**

15 – 19 Gelibolu Parade
Auburn, NSW.

AUGUST 2017

© Smyth Levy & Associates Pty Ltd trading as Smyth Planning ABN 64 783 407 127

1

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 Cumberland's 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
State Environment Planning Policy No. 55- Remediation of Land	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

State Environment Planning Policy No. 64 – Advertising and Signage	application of the SEPP. 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:

Section No. and Title	Direction	Consistency
3. Housing, Infrastructure and Urban Development		
Direction 3.1- Residential Zones	3.1-	The planning proposal does not alter the R2 zone boundary and is therefore not inconsistent with the objectives of this direction.
Direction 3.4- Integrating Land Use and Transport	3.4-	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.
Local Plan Making		
Direction 6.1- Approval and Referral Requirements		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.
Direction 6.3- Site Specific Provisions		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.
Metropolitan Planning		
Direction 7.1- Implementation of the Metropolitan Strategy	7.1-	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

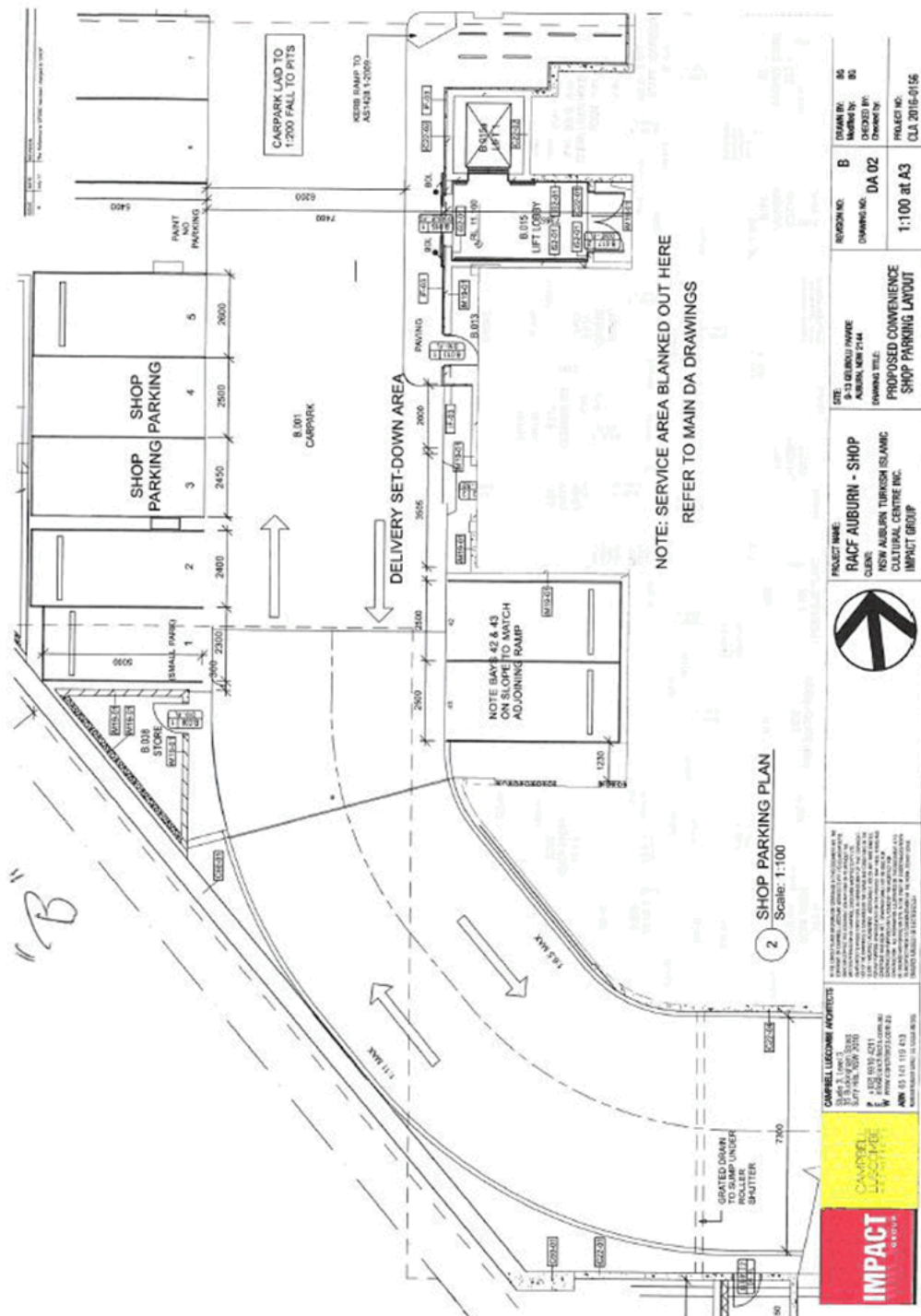
This Report has addressed the Department's requirements set in the "Guide to Preparing Planning proposals". The resulting proposal is considered appropriate for the following reasons:

- 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".





Appendix 2: Consistency with NSW Strategic Policy Framework

Draft Greater Sydney Regional Plan

Theme and Direction	Objectives	Consistency
4.0 Liveability A city for people (p.40)	<p><i>Objective 6 - Services and Infrastructure meet communities' changing needs (p.40)</i></p> <p><i>Objective 7. Communities are healthy, resilient and socially connected (p.43)</i></p>	<p>Consistent</p> <p>The site to which the proposal applies is identified as residential land, which is currently approved for a Residential Aged Care Facility (RACF).</p> <p>The site's proposed additional use 'restaurant or café' not exceeding 80m² of floor area is proposed within a retail shop that is approved within the proposed RACF that is currently being constructed.</p> <p>The draft <i>Greater Sydney Regional Plan</i> further shows a 60-80% population increase over 65 years from 2016 to 2036 in Figure 11(p.41).</p> <p>The proposed additional use is likely to result in providing approximately 3-5 jobs (p.8) which is likely to increase Cumberland LGA's employment land targets.</p>

A Plan for Growing Sydney

Direction	Action/priority	Consistency
1.10 Plan for Education and Health Services (p.54)	<p>Action 1.10.2: Support the growth of complementary health and tertiary education activities in strategic centres (p. 55).</p>	<p>Consistent</p> <p>The site to which the proposal applies is located within Auburn's Town Centre in an R2 Low Density Residential zone where 'restaurant or café' use is not permissible.</p> <p>The proposed additional use would help continue to maintain the existing R2 Low Density Residential zone and uses and introduce a retail use not exceeding 80m² floor area to further complement the primary use of the approved Residential Aged Care Facility (RACF).</p> <p>The site's proposed additional use 'restaurant or 'café' currently proposed within the approved RACF anticipates approximately 3-5 jobs to be created which would further contribute and increase the Cumberland LGA's employment target marginally.</p>
3.1 Revitalise existing suburbs (p.82) 3.3 Create healthy, built environment (p.88)	<p>The plan recognises the importance of social interaction and revitalise local communities by providing more social infrastructure, utilities, public spaces as well as allowing residents to easily access to local shops, cafes and restaurants.</p> <p>The plan seeks to promote healthy activities by delivering local amenities and services such as shops, café, school in walking-distance to residential area to encourage use of cycling and walking as part of a daily commute.</p>	<p>Consistent</p> <p>The site's proposed additional use 'restaurant or 'café' currently proposed within the approved RACF would potentially create a positive environment for residents of RACF to socially engage and mix with local residents.</p> <p>The site is serviced by existing on-road cycle routes on Gelibolu Parade and is within the walking distance of Auburn's train station.</p>

Draft Central City District Plan (Revised)

Planning Priority	Consistency
<p>3.0 Liveability</p> <p>Planning Priority C3 – providing services and social infrastructure to meet people's changing needs (p.24)</p> <p style="padding-left: 40px;">Action 8. Deliver social infrastructure to reflect the needs of the community now and in the future</p> <p>Planning Priority C4 – Fostering healthy, creative, culturally rich and socially connected communities (p.28)</p> <p style="padding-left: 40px;">Action 10. Deliver inclusive places for people of all ages and abilities that support healthy, resilient and socially connected communities</p> <p style="padding-left: 40px;">Action 14. Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places</p>	<p>Consistent</p> <p>The site to which the proposed additional use applies is zoned R2 Low Density Residential, and is currently approved with a RACF on site. This proposed RACF will provide aged care services and facilities for the elderly and seniors within the Cumberland local government area.</p> <p>The draft plan states a “coordinated and additional health social and aged care services and collaborative responses across government and industry are needed to meet the expected increase in demand for local aged care options (with associated visitor parking)” (p.26).</p> <p>The proposed additional permissible use restaurant or café's 80m² proposed is to be located within a neighbourhood shop that is included within the approved RACF.</p> <p>The draft plan (p.27) outlines that Councils, other planning authorities and state agencies are responsible in delivering social infrastructure to reflect the needs of the community now and in the future.</p>

Appendix 3: State Environmental Planning Policies (SEPPs)

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

No.	Title	Summary	PP application's consistency with the SEPP
36	Manufactured Home Estates	Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	Does not apply to Cumberland LGA Applies to land outside the Sydney Region.
44	Koala Habitat Protection	Aims to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	Does not apply to Cumberland LGA 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	Moore Park Showground	Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	Does not apply to the Cumberland LGA
50	Canal Estate Development	Prohibits canal estate development	Applies to State , except Penrith Lakes Consistent
52	Farm Dams and other works in land and water management plan areas	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.	Does not apply to Cumberland LGA
55	Remediation of Land	Provides a State wide planning approach for the remediation of contaminated land.	Applies to State Consistent The site to which the proposed additional use applies is currently zoned residential land and is unlikely to be contaminated land considering its past residential uses. Should the proposal proceeds and then a DA is lodged the proposal would need to comply with the SEPP requirements.
62	Sustainable Aquaculture	Aims to encourage and regulate sustainable aquaculture development	Applies to State Consistent

No.	Title	Summary	PP application's consistency with the SEPP
64	Advertising and Signage	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Applies to State Consistent
65	Design Quality of Residential Apartment Flat Development	Aims to improve the design qualities of residential flat building development in New South Wales.	Applies to State , except Kosciusko SEPP area Consistent
70	Affordable Housing (Revised Schemes)	Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	Does not apply to Cumberland LGA Applies to land within the Greater Metropolitan Region particularly City of South Sydney, City of Sydney, City of Willoughby and Leichhardt.
71	Coastal Protection	Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	Does not apply to Cumberland Applies to land within the coastal zone, as per maps of SEPP.
	Housing for Seniors or People with a Disability 2004	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	Applies to State The site is within the RACF where the DA-189/2015 was approved by Council. Consistent
	Building Sustainability Index: BASIX 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	Applies to State To be considered at DA stage if required. Consistent
	Kurnell Peninsula 1989		Does not apply to Cumberland LGA Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.
	State Significant Precincts 2005	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.	Applies to State Consistent

No.	Title	Summary	PP application's consistency with the SEPP
	Sydney Region Growth Centres 2006	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	Does not apply to Cumberland LGA Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre)
	Mining, Petroleum Production and Extractive Industries 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources	Applies to State Consistent
	Infrastructure 2007	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.	Applies to State Consistent The land to which the proposal applies is not affected by this SEPP.
	Kosciuszko National Park – Alpine Resorts 2007	Aims to protect and enhance the natural environment of the alpine resorts area.	Does not apply to Cumberland LGA Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	Rural Lands 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	Does not apply to Cumberland LGA
	Western Sydney Employment Area 2009	Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	Applies to Cumberland LGA Applies to Greystanes Northern Employment Lands. The land to which the proposal applies is not affected by this SEPP.
	Exempt and Complying Development Codes 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	Applies to State Consistent
	Western Sydney Parklands 2009	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	Applies to Cumberland LGA Applies to land within Blacktown, Fairfield, Liverpool LGAs and a small part of former Holroyd LGA now located within Cumberland LGA. The land to which the proposal applies is not affected by this SEPP.

No.	Title	Summary	PP application's consistency with the SEPP
	Affordable Rental Housing 2009	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Applies to State To be considered at DA stage if required. Consistent
	Urban Renewal 2010	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	Applies Cumberland LGA Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle. The land subject to this proposal is not affected by this SEPP.
	Sydney Drinking Water Catchment 2011	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	Does not apply to Cumberland LGA Applies to land within the Sydney drinking water catchment.
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Applies to State Consistent
	Three Ports 2013	Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle.	Does not apply to Cumberland LGA 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.
	Miscellaneous consent provisions 2007	Aims to provide erection of temporary structures permissible with consent across the State.	Applies to State Consistent
	(Educational Establishments and Child Care Facilities) 2017	Aims to provide facilitate the effective delivery of educational establishments and early education and care facilities across the State.	Applies to the State Consistent



No.	Title	Summary	PP application's consistency with the SEPP
	(Vegetation in non-rural areas) 2017	Aims of this Policy is to protect bio-diversity values of trees and other vegetation in non-rural areas, and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Applies to state's identified non-rural areas. Consistent

Appendix 4: Deemed SEPPs (Regional Environmental Plans)

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

No	Title	Summary	Application
24	Homebush Bay Area	Aims to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area	Does not apply to the Cumberland LGA. 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> .
26	City West	Aims to promote the orderly and economic use and development of land within City West.	Does not apply to the Cumberland LGA. Applies to land shown as City West area (Pymont and Ultimo)
30	St Marys	Aims to support the redevelopment of St Marys by providing a framework for sustainable development.	Does not apply to the Cumberland LGA. Applies to specified land within the Blacktown and Penrith LGAs
33	Cooks Cove	Establishes the zoning and development controls for the Cooks Cove site.	Does not apply to the Cumberland LGA. Applies to specified land at Cooks Cove within the suburb of Arncliffe.
	Sydney Harbour Catchment 2005	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.	Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River. Applies to some land within the Cumberland LGA. Consistent

Appendix 5: Section 117 Ministerial directions

Direction	Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>Not applicable</p> <p>The site to which the proposal applies seeks to permit a 'Restaurant or Café' within the approved RACF.</p> <p>The proposal does not modify the existing R2 Low Density Residential zoning or its principal development standards resulting in a loss of regionally and strategically significant employment lands within the Cumberland LGA.</p> <p>There is also no loss of jobs since the proposal generates approximately 3-5 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
2. Environment and Heritage	
2.1 Environment Protection Zones	Not Applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
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
3. Housing, Infrastructure and Urban Development	
<p>3.1 Residential Zones</p> <p><i>What a relevant planning authority must do if this direction applies</i></p> <p>A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p>	<p>Consistent</p> <p>The site to which the proposal applies does not seek to amend the existing R2 Low Density Residential zoning or its principal development standards. The proposal seeks to permit a 'Restaurant or Café' within the approved RACF.</p>

Direction	Consistency
<p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p><i>Consistency</i></p> <p>A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	<p>Consistent</p> <p>Does not change the permissibility of home occupations.</p>
<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) The Right Place for Business and Services – Planning Policy (DUAP 2001).</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</p>	<p>Consistent</p> <p>The site to which the proposal applies is located approximately 590 metres from Auburn's Town Centre and Railway Station.</p> <p>The site is serviced by existing on-route cycle routes on Gelibolu Parade and is within the 10-15 minute walking distance to Auburn's train station.</p> <p>The proposal is broadly consistent with the objectives and principles of the mentioned DP&E policies. The land to which the proposal applies is developed and seeks a proposed additional use site to introduce a 'Restaurant or Café' use within an existing R2 Low Density Residential zone.</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>

Direction	Consistency
<p>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 the Department of Planning, or</p> <p>(b) 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>	
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent The site to which the proposal applies is affected by Class 5 Acid Sulphate Soils.
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	Not applicable
4.4 Planning for Bushfire Protection	Not applicable
5. Regional Planning	
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

Direction	Consistency
5.10 Implementation of Regional Plans	<p>The site to which this proposal applies proposes an additional use (Restaurant or Café) within the site which has been already in construction.</p> <p>The proposal is consistent with the <i>Draft Central City District Plan</i> priority/ actions below:</p> <p>Planning Priority C3 – providing services and social infrastructure to meet people's changing needs (p.24)</p> <p style="padding-left: 40px;">Action 8. Deliver social infrastructure to reflect the needs of the community now and in the future</p> <p>Planning Priority C4 – Fostering healthy, creative, culturally rich and socially connected communities (p.28)</p> <p style="padding-left: 40px;">Action 10. Deliver inclusive places for people of all ages and abilities that support healthy, resilient and socially connected communities</p> <p style="padding-left: 40px;">Action 14. Strengthen social connections within and between communities through better understanding of the nature of social networks and supporting infrastructure in local places</p> <p>Refer to Appendix 2 for further information.</p>
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not applicable.
6.2 Reserving Land for Public Purposes	Not applicable.
6.3 Site Specific Provisions	<p>Consistent</p> <p>The proposal does not propose restrictive site specific planning controls as it will maintain the current R2 Low Density Residential zoning and would further allow for additional uses to be permitted on the site by listing the additional uses in Schedule 1 of the <i>Auburn LEP 2010</i>.</p> <p>The proposal will not restrict the overall use of the land and will maintain the existing R2 Low Density Residential zoning of the site.</p>

Direction	Consistency
<i>A Plan for Growing Sydney</i>	
7.1 Implementation of <i>A Plan for Growing Sydney</i>	<p>The proposal is consistent with the following direction and action:</p> <p>Direction 1.10: Plan for Education and Health Services</p> <p>Action 1.10.2: Support the growth of complementary health and tertiary education activities in strategic centres (p. 55).</p> <p>Direction 3.1 Revitalise existing suburbs (p. 82)</p> <p>Direction 3.3 Create healthy built environment (p. 88)</p> <p>Refer to Appendix 2 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.

Planning Proposal Request

9 and11 Gelibolu Parade, Auburn
