

**Minutes of the Cumberland Independent Hearing & Assessment Panel Meeting held at the Holroyd Centre, 17 Miller Street, Merrylands on Wednesday 09 August 2017.**

**PRESENT:**

The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

**IN ATTENDANCE:**

Adan Davis, Michael Rogers, Karl Okorn, Michael Lewani, Roopali Pandey, Harinee De Silva, Sohail Faridy, Lydia Markham and Carol Karaki.

The meeting here opened at 11:35am.

**CONFIRMATION OF MINUTES:**

That the Minutes of the Cumberland Independent Hearing & Assessment Panel Meeting held on 12 July 2017 be adopted.

**DECLARATIONS OF INTEREST:**

There were no declarations of interest.

**ADDRESS BY INVITED SPEAKERS:**

The following persons had made application to address the Cumberland Independent Hearing and Assessment Panel meeting:

<u>Speakers</u>	<u>Item No./Subject</u>
Anonymous	CO27/17 – Development Application for 75 Graham Street, Berala
Anonymous	CO27/17 – Development Application for 75 Graham Street, Berala
Geoff Baker	CO28/17 – Site Specific Development Control Plan for 108 Station Street, Wentworthville – Post-exhibitor Report
Andrew Robinson	CO28/17 – Site Specific Development Control Plan for 108 Station Street, Wentworthville – Post-exhibitor Report
Paul Naylor	CO29/17 – Planning Proposal Request for 2 Percy Street, Auburn
Izzet Anmak	CO29/17 – Planning Proposal Request for 2 Percy Street, Auburn
Graham Guy	CO29/17 – Planning Proposal Request for 2 Percy Street, Auburn
Helen Deegan	CO29/17 – Planning Proposal Request for 2 Percy Street, Auburn

Graham Guy                                      CO30/17 - Site Specific DCP for 1A, 1B Queen Street,  
Auburn

The Public part of the Cumberland Independent Assessment Panel meeting closed at 12:50 p.m.

ITEM C025/17 - DEVELOPMENT APPLICATION FOR 453-457 GUILDFORD ROAD AND 85 BANGOR STREET, GUILDFORD

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the Development Application proceed as amended below.

1. Development Application 2016/370/1 for demolition of existing structures; consolidation of 4 lots into 1 lot; construction of a 4 storey residential flat building comprising 30 units above 2 levels of basement parking accommodating 44 car parking spaces and associated Strata subdivision thereof, be Approved, subject to the attached conditions.

1A) Architectural Plans

Amended plans should be submitted providing a space of a minimum of 1.5 metres width at the lift doors and bollards to provide a safe place for residents waiting.

2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

ITEM C026/17 - DEVELOPMENT APPLICATION FOR 14 DIXMUDE STREET, SOUTH GRANVILLE

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the clause 4.6 variation is well founded and Development Application No. DA-497/2016 for demolition of existing structures and construction of two storey attached dual occupancy with front fence and Torrens Title subdivision be approved subject to the attached draft conditions of consent.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

ITEM C027/17 - DEVELOPMENT APPLICATION FOR 75 GRAHAM STREET, BERALA

**Note:** Two speakers addressed the panel on this item.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel

(CIHAP) that Development Application No. DA-500/2016 for Demolition of the dwelling house and ancillary structures and construction of a new two storey boarding house comprising eight (8) boarding rooms on land at 75 Graham Street, AUBURN be granted deferred commencement approval subject to the conditions listed in the attached schedule and the following amendment to condition 4:

The boarding house is approved to accommodate a maximum of 9 lodgers.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

**ITEM C028/17 - SITE SPECIFIC DEVELOPMENT CONTROL PLAN FOR 108 STATION STREET, WENTWORTHVILLE - POST-EXHIBITION REPORT**

**Note:** Mr. Geoff Baker and Mr. Andrew Robinson addressed the panel on this item. Mr Mickey Beaini tabled a draft sketch at the meeting.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the Cumberland Independent Hearing and Assessment Panel (IHAP) recommend that Council:

1. Adopt the revised site specific development control plan dated July 2017 for 108 Station Street, Wentworthville (per Attachment 2) with the following amendment for the purposes of re-exhibition:
  - a) Substitute the proponents draft sketch tabled at the meeting for Figure 10 in the draft DCP with the exception of the four storey area to the east of the two storey podium line and subsequent amendments to Figure 4.
2. Amend the draft LEP as follows:
  - a) Amend the draft LEP height of buildings map to move the 41 metre height limit area in a south easterly direction to align with the new Figure 10 in the DCP.
  - b) Amend the non-residential floor space in the draft LEP to a minimum requirement of 0.5:1.
3. Re-exhibit the draft LEP and draft DCP.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

**ITEM C029/17 - PLANNING PROPOSAL REQUEST FOR 2 PERCY STREET, AUBURN**

**Note:** Mr. Paul Naylor, Mr. Izzet Anmak, Ms. Helen Deegan and Mr. Graham Guy addressed the panel on this item.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel

(CIHAP) that the Planning Proposal proceed as per the recommendation in the report and as amended below:

1. The proponent be required to submit the following additional information:
  - a. a revised Flood Impact Assessment, to the satisfaction of Council engineers, that specifically addresses the proposed use of the site for a school, and that addresses the *Flood Risk Management* controls in *Auburn Development Control Plan 2010*;
  - b. a revised development concept and additional information that shows that adequate open/play space can be provided on site. This may require a reduction in student and staff numbers;
  - c. a revised Transport Impact Assessment incorporating further modelling taking into account the increased FSRs that resulted from LEP Amendment 8 to *Auburn LEP 2010* and taking into account any revisions to the planning proposal request and Councils Traffic modelling undertaken for the Draft Auburn and Lidcombe Town Centre Strategy; and
  - d. if mitigation measures such as intersection upgrades are required as a result of recommendation c), a Letter of Offer for a Planning Agreement to provide the required improvements is also to be submitted and discussed with Council staff.
2. The proponent amend the planning proposal request originally submitted for 2 Percy Street, Auburn to reflect the revised FSR amendment to 1:1 as agreed by the proponent.
3. The proponent may also submit information to support a particular maximum building height exceeding 10m, up to 12m, including graphic view line analysis, demonstrating that the amended maximum height would not have an adverse impact on important views to the Gallipoli Mosque and its surrounds.
4. The matter be reported back to Cumberland IHAP if the information submitted by the proponent is considered unsatisfactory by Council officers, outlining the reasons why the information was considered unsatisfactory.
5. If the information is satisfactory, Council officers proceed with the preparation of a planning proposal for 2 Percy St, Auburn (PP-2/2017) on the following basis:
  - a. permit 'educational establishment' as an additional permitted use under Schedule 1 of *Auburn LEP 2010*;
  - b. add the site to the Additional Permitted Uses Map;
  - c. amend the Height of Buildings Map to provide for a maximum building height for the site of 10m, or up to 12m height if adequately justified by information provided under recommendation 3;
  - d. incorporate any revisions required that result from the revised Flood Impact Assessment; and
  - e. incorporate any revisions that result from the revised traffic and transport assessment, including a Letter of Offer for a Planning Agreement if appropriate.

6. Following the completion of the Traffic Assessment and prior to submission of the Planning Proposal for Gateway Determination the proponent submit a letter of offer to enter into a Planning Agreement to contribute towards traffic movement and access works, including any land acquisitions in the locality to accommodate any necessary works, associated with a potential school on the subject site.
7. The planning proposal, prepared in accordance with recommendation 5, be forwarded to the Department of Planning and Environment for a Gateway Determination.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

ITEM C030/17 - SITE SPECIFIC DCP FOR 1A, 1B QUEEN STREET, AUBURN

**Note:** Mr. Graham Guy addressed the panel on this item.

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

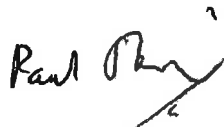
1. That the site specific DCP for 1A, 1B Queen St Auburn (as attached) be adopted;
2. That Council's website be updated by incorporating the DCP as part of site specific controls in the *Residential Development Controls* section of *Auburn DCP 2010*;
3. That a notice be placed in the local paper to make the DCP effective on publication of the notice, in accordance with s.21 of the *Environmental Planning and Assessment Regulation 2000*.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. Brian McDonald, Mr. Stuart McDonald, and Mr. Paul Mould AM.

Against: Nil

The meeting terminated at 2:50p.m.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Perry', with a stylized flourish at the end.

## Planning Proposal Request for 2 Percy Street, Auburn

Responsible Division: Environment & Infrastructure  
 Officer: Group Manager - Planning  
 File Number: PP-2/2017

<b>Proponent</b>	Gallipoli Education Solutions Limited
<b>Application No.</b>	PP-2/2017
<b>Description of Land</b>	2 Percy St Auburn
<b>Proposal</b>	<p><b>Seeks to introduce 'educational establishment' as an additional permitted use.</b></p> <p>Original proposal sought to increase in FSR to 1.2:1          Amended proposal seeks to retain the existing permitted FSR (FSR Standard) of 1:1.          The site has no maximum height of building under <i>Auburn LEP 2010</i>. The proposal does not seek a change to this.</p>
<b>Site description</b>	<p>The site has the following characteristics:</p> <ul style="list-style-type: none"> <li>• Approximately 7,300m<sup>2</sup> (0.73 hectares) in area;</li> <li>• Irregular shaped corner site;</li> <li>• Bound by Percy Street, Gelibolu Parade, St Hillier's Road and the laneway that buffers the adjoining low density residential area;</li> <li>• Occupied by a large two storey building with on-site car parking.</li> </ul>
<b>Zoning</b>	The existing <b>IN2 Light Industrial</b> is proposed to be retained
<b>Heritage</b>	The site is not heritage listed. It adjoins Wyatt Park (across Percy St), which is heritage listed. It is also in the vicinity of Auburn Gallipoli Mosque, which is being investigated for its potential heritage significance.
<b>Flooding</b>	The north-eastern part of the land is flood prone (as identified in the <i>Auburn Local Environmental Plan 2010 Flood Map</i> )
<b>Disclosure of political donations and gifts</b>	Nil disclosure

### Summary:

This report provides an assessment of a Planning Proposal Request ('the proposal') submitted to Cumberland Council on 19 May 2017 for 2 Percy Street, Auburn ('the subject site') which is at **Attachment 1** of this report. The proposal seeks to amend Schedule 1 of the *Auburn Local Environmental Plan 2010* (Auburn LEP 2010) to introduce an 'educational establishment' as an additional permissible use, while retaining the existing IN2 Light Industrial zoning.

### Report:

#### ***Background***

A planning proposal request (Refer to Appendix 1 of Attachment 1) for a site at 2 Percy St, Auburn was lodged with Cumberland Council on 19 May 2017. The site is shown at Figure 1 and is currently zoned IN2 light Industrial.

The proposal seeks amendments to Auburn LEP 2010 as follows:

Amends Schedule 1- Additional Permitted Uses of the Auburn LEP 2010 to introduce 'educational establishment' as an additional permissible use for the site; and

The proposal retains the existing permitted FSR of 1:1 under Auburn LEP 2010 (although initially FSR of 1.2:1 was sought).

The proposal does not seek to amend the existing IN2 Light Industrial zoning (as shown in Figure 2) or the maximum height of buildings.

The proposal seeks to provide for a school of 650 students and 50 staff. It also provides 52 car spaces at grade on site. One of its objectives also relates to the provision of opportunities for culturally aligned education programs for the Muslim community.

The site has been used for various industrial purposes since the 1930s. The existing building on the site, currently used by the Master Plumbers and Contractors Association of NSW, is proposed to be adapted for use by the school, including a small addition to roof (cafeteria and toilets).



Figure 1- Subject site

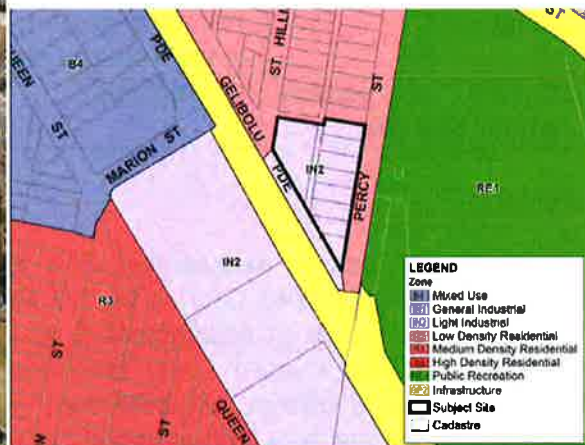


Figure 2- Auburn LEP 2010 Zoning Map

Should the proposal progress and the consequent LEP Amendment be notified (gazetted), it is anticipated that the proponent is likely to lodge a Development Application (DA) or complying development under Division 3 Educational Establishments of SEPP Infrastructure (2007).



The proposal is supported by the following documentation:

- Design Statement, revised masterplan and concept layout plans, and artist impressions of the proposed development (May and July 2017) by Architecture Design Studio;
- Revised Transport Impact Assessment by GTA (July 2017);
- Detailed Site Investigation report by Australian Geo Technical (May 2017);
- Justification report providing consistency with section 117 direction for flooding by former Auburn City (January 2012) and Bewsher Consulting's advice letter to former Auburn City (May 2012); and
- Flood Impact Assessment Report by Northrop (July 2017).

### Context

The site is located approximately 700 metres walking distance from Auburn Railway Station and the Auburn Town Centre (12-15 minutes). The site is also serviced by local buses accessed from the Town Centre within 850 - 900m walking distance.

It is approximately 100 - 150m west of the iconic Auburn Gallipoli Mosque, and opposite an approved three storey residential aged care facility (DA 189/15), under construction. To the east, across Percy St, is Wyatt Park, a major district level public open space, with various active recreation facilities and used for sporting events by many sporting organisations and schools in the area.

To the far south and across the railway are additional IN2 lands, on Queen St Auburn. From an industrial lands perspective, the subject site and its current use are considered part of the 'Queen Street employment lands precinct'.

### Liaison between Council staff and the proponent

Key discussions and correspondence between the proponent and Council staff have occurred as outlined in Table 1 below:

Date	Topic
24 January 2017	Pre-lodgement meeting
27 February 2017	Draft planning proposal request lodged
15 May 2017	Comments on draft proposal provided to the proponent
19 May 2017	Proposal formally lodged with Council
5 June 2017	Council staff provided comments and request for additional information
29 June 2017	Meeting between proponent, proponent's consultant, representatives of the Gallipoli Education Services, Council's General Manager and the Group Manager, Planning.
3 July 2017	Proponent provides response to letter of 5 June.

Table 1 - Discussions and correspondence

The proposal was exhibited, and Council received public submissions as outlined in the Consultation section of this report.

### Justification for the proposal

Where a Council considers preparation of a planning proposal request, a series of key strategic matters are required to be considered under the Department of Planning and Environment's Guidelines for Preparing Planning Proposals. The key matters as set out below, with a brief outline of the extent to which the proposal complies with each of the matters to be considered. A detailed assessment of the proposal against these considerations is provided in section 4 of the Assessment Report (at Attachment 1).

#### Need for the Planning Proposal

The proposal is not a result of any strategic study or report. However, the proposal is affected by a number of strategic studies and plans.

Another option considered by the proponent but rejected was to rezone the existing site's zoning to SP2 Infrastructure (Educational Establishment). Council staff also raised the option to rezone the site consistent with the adjoining residential use, which permits educational establishments.

The proposal is described as a short term solution to the need for a school to support the Muslim community, from Kindergarten to year 12.

#### Relationship to the Strategic Framework

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

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

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

The proposal plans for independent school facilities to assist in meeting the needs of the significant growth in demand forecast for Auburn;

- The site's industrial use is 'orphaned' is isolated from other industrial uses, and close to a centre;
- The site will nevertheless contribute to employment by providing around 50 jobs in proximity to a centre;
- The proposed educational institution is close to a centre and rail station; and
- The contamination report found that 'the site is considered suitable for the proposed private education institution'.

The proposal is consistent or justifiably inconsistent with the following local plans and strategies:

- Cumberland Community Strategic Plan 2017 - 2027
- Auburn Employment Lands Strategy (Dec 2015)
- Draft Auburn and Lidcombe Town Centre Strategy (Dec 2016).

However, additional information is required to ascertain consistency for the following:

Flooding

The detailed identification survey submitted shows that the north-eastern portion of the site is located within or below the Probable Maximum Flood (PMF) level of 13.2 metres. However, the Flood Impact Assessment report prepared relates to 'industrial and commercial use' for the site. It does not relate to the proposed educational institution. Part 6 Flood Risk Management in the Stormwater Drainage Part of Auburn Development Control Plan 2010 identifies an educational establishment (school) as an 'Essential Community Facility' and identifies this use as unsuitable on flood prone land.

Should Council wish to progress the proposal, further revision and/or information would be required to demonstrate that a school can be safely located on this site.

The detailed identification survey submitted shows that the north-eastern portion of the site is located within or below the Probable Maximum Flood (PMF) level of 13.2 metres. However, the Flood Impact Assessment report prepared relates to 'industrial and commercial use' for the site. It does not relate to the proposed educational institution. Part 6 Flood Risk Management in the Stormwater Drainage Part of Auburn Development Control Plan 2010 identifies an educational establishment (school) as an 'Essential Community Facility' and identifies this use as unsuitable on flood prone land.

Should Council wish to progress the proposal, further revision and/or information would be required to demonstrate that a school can be safely located on this site.

Environmental, social and economic impact*A. Noise*

Potential noise and vibration impacts from the railway will need to be considered at DA stage, in accordance with the requirements of SEPP (Infrastructure) 2007 and the associated 'Development near Rail Corridors and Busy Roads – Interim Guidelines'.

*B. Traffic*

The proposal is considered as a 'traffic generating development' under SEPP (Infrastructure) 2007. Comments from the Roads and Maritime Service (RMS) will be required, should the proposal be progressed at Gateway.

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

The GTA traffic report submitted to support the proposal has assessed the intersection of St Hilliers Rd/Rawson St as acceptable overall. However, it does not appear to take into account the significant increases in floor space ratios in Auburn and Lidcombe that resulted from LEP Amendment to Auburn LEP 2010 in Sept 2013. Amendment 8 was informed by a traffic and transport study (Hyder, 2013). This study assessed this

intersection as Level of Service F (morning peak) and E (evening peak), when taking into account the increases in FSR.

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

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

#### *C. Play/open space*

The proposal does not provide adequate ground level open space for the students. Instead, it seeks to use Wyatt Park for its active open space.

Wyatt Park is major district level open space and heavily used for sport events and competitions by sporting organisations/schools (eg. basketball, netball, PCYC, cycling and football) in the broader area and is unlikely to be able to exclusively provide for play space for the students. Further, no discussions with Council staff have been undertaken to determine Council's views on this, nor determine the capacity of the park to do so as proposed.

The proposal includes some, more passive, open space on the roof. A reduction in the intensity of the use (reduced student numbers) could allow for increased provision of open/play space on site, which is so important for the health of the students.

If the proposal is to be progressed, it is recommended that it be revised to provide adequate open/play space on site.

#### *D. Impact on views to the Gallipoli Mosque*

The site is not currently subject to a building height control due to its industrial zoning. However, should an addition to the roof as per the concept plan be sought, or a new building constructed for the school, the height of the existing building (advised in writing to be 9.5m) would be exceeded. This would have the potential to impact on the local character, and in particular, on view lines to the iconic Gallipoli Mosque. The base level of the dome of the mosque is 9.8 metres above ground level. This height was used to set the height limit for the approved residential aged care facility adjoining the mosque that is currently under construction.

Council is undertaking a view line analysis in relation to the iconic Gallipoli Mosque, to guide the finalisation of the Auburn and Lidcombe Town Centre Strategy. Without the completion of this work it is recommended that a maximum building height be set for the site, at 10m. The proponent may wish to provide further information that would support the case or up to 12m (equivalent to 3 storeys). Any further increase beyond that should

be reviewed in the finalisation of the wider Precinct as part of the Auburn Town Centre Strategy.

#### *E. Other impacts*

Potential impacts on the adjoining residential area are mitigated to some extent by a laneway. Additional consideration of visual bulk, scale, character, heritage and interface issues can be addressed at DA stage.

#### *State and Commonwealth interests*

The site is serviced by state (and local) roads and public transport, and has existing connections to utilities. The potential impact of the proposed additional use 'educational establishment' on the St Hilliers Road/ Rawson Street intersection is discussed previously in this report. This intersection involves state roads and will require consultation and potentially negotiation with NSW Roads and Maritime Authority. It is anticipated that this would be required by the Department of Planning and Environment should a Gateway Determination to proceed be issued.

Consultation will be undertaken with other relevant State and Commonwealth public authorities as directed by a Gateway Determination.

#### **Conclusion:**

There is significant merit in the proposal in that it assists in the provision of much needed school facilities in the area, to support the rapid population growth.

However, there are a number of outstanding concerns, including traffic, open/play space, flooding, and potentially the impact on views to Gallipoli Mosque. If these matters can be addressed satisfactorily, it is recommended that the proposal be progressed.

#### **Consultation:**

The proposal was placed on preliminary public exhibition for a period of 30 days from Thursday 1 June to Friday 30 June 2017, in accordance with the *Cumberland Planning Proposal Notification Policy*.

A total of twenty six (26) written submissions including a signed petition were received. The petition had 2305 signatures. Twenty Four (24) of the submissions, including the petition, were in support of the proposal. These submissions included support from both local and wider Sydney based community members and organisations.

The key reasons for support were:

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

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

- the central premise for the use of an additional permitted use for 'educational establishment' is to protect industrial land for industrial purposes. This premise is false, as once a school is located on the site it will never revert to industrial uses;

- the retention of the industrial zone would allow the incorporation of uses in the future not related to an 'educational establishment';
- the proposal to locate a school in an industrial zone would result in safety issues for the children;
- the proposal would set an adverse precedent for other industrial zones within Cumberland LGA, risking the integrity of our employment lands.

The submissions and the response of Council staff are detailed in Section 7.0 of the Assessment Report (see **Attachment 1**).

**Financial Implications:**

There are no financial implications for Council associated with this report.

**Policy Implications:**

There may be implications for the future development potential of the Gelibolu Precinct as a whole (under the Draft Auburn and Lidcombe Town Centres Strategy) resulting from the traffic generated by this development in this constrained precinct. This will need to be considered in the traffic and access study being prepared for the finalisation of the Strategy.

**Communication / Publications:**

There are no communication / publications implications for Council associated with this report.

**Report Recommendation:**

**That:**

1. The proponent be required to submit the following additional information:
  - a. a revised Flood Impact Assessment, to the satisfaction of Council engineers, that specifically addresses the proposed use of the site for a school, and that addresses the *Flood Risk Management* controls in *Auburn Development Control Plan 2010*;
  - b. a revised development concept and additional information that shows that adequate open/play space can be provided on site. This may require a reduction in student and staff numbers;
  - c. a revised Transport Impact Assessment incorporating further modelling taking into account the increased FSRs that resulted from LEP Amendment 8 to *Auburn LEP 2010* and taking into account any revisions to the planning proposal request and Councils Traffic modelling undertaken for the Draft Auburn and Lidcombe Town Centre Strategy; and
  - d. if mitigation measures such as intersection upgrades are required as a result of recommendation c), a Letter of Offer for a Planning Agreement to provide the required improvements is also to be submitted and discussed

with Council staff.

2. The proponent amend the planning proposal request originally submitted for 2 Percy Street, Auburn to reflect the revised FSR amendment to 1:1 as agreed by the proponent.
3. The proponent may also submit information to support a particular maximum building height exceeding 10m, up to 12m, including graphic view line analysis, demonstrating that the amended maximum height would not have an adverse impact on important views to the Gallipoli Mosque and its surrounds.
4. The matter be reported back to Cumberland IHAP if the information submitted by the proponent is considered unsatisfactory by Council officers, outlining the reasons why the information was considered unsatisfactory.
5. If the information is satisfactory, Council officers proceed with the preparation of a planning proposal for 2 Percy St, Auburn (PP-2/2017) on the following basis:
  - a. permit 'educational establishment' as an additional permitted use under Schedule 1 of *Auburn LEP 2010*;
  - b. add the site to the Additional Permitted Uses Map;
  - c. amend the Height of Buildings Map to provide for a maximum building height for the site of 10m, or up to 12m height if adequately justified by information provided under recommendation 3;
  - d. incorporate any revisions required that result from the revised Flood Impact Assessment; and
  - e. incorporate any revisions that result from the revised traffic and transport assessment, including a Letter of Offer for a Planning Agreement if appropriate.
6. Following the completion of the Traffic Assessment and prior to submission of the Planning Proposal for Gateway Determination the proponent submit a letter of offer to enter into a Planning Agreement to fund traffic movement and access works (including any land acquisitions) associated with a potential school on the subject site.
7. The planning proposal, prepared in accordance with recommendation 5, be forwarded to the Department of Planning and Environment for a Gateway Determination.

**Attachments:**

1. Detailed Assessment report for Planning Proposal request for 2 Percy St, Auburn
2. Appendix 1 - Planning Proposal request
3. Appendix 2a - Design Statement
4. Appendix 2b - Proposed School Program
5. Appendix 3a - Revised Masterplan and Artist Impressions
6. Appendix 3b - A3 Revised concept plans
7. Appendix 4a - Transport Impact Assessment GTA
8. Appendix 5 - Detailed Site Investigation

9. Appendix 6a - Flood study justification by former Auburn City Council

10. Appendix 6b - Bewsher letter providing flood advice