

2. Authorise the General Manager to execute the transfer document provided by Boral Property Group subject to Boral providing a \$3.2 million contribution for the Stage 2 Regeneration and pine tree removal works, within Marrong Reserve.
3. Classifies the subject land parcels associated with Marrong Reserve as community land.

Min.217            ITEM 150/17 - PUBLIC EXHIBITION OF LANDSCAPE MASTERPLAN OPTIONS FOR WYATT PARK PLAN OF MANAGEMENT

Moved and declared carried by the Administrator that Council:

1. Approve the public exhibition of the two Draft Landscape Masterplan options for Wyatt Park, as shown in Attachment 2; and
2. Following the exhibition, a report be brought back to Council incorporating the consultation outcomes and recommending a preferred Wyatt Park Landscape Masterplan within the Wyatt Park PoM, including prioritisation of projects.

Min.218            ITEM 151/17 - STATUS UPDATE ON THE REVIEW OF COUNCIL'S COMMITTEES

**Note:** Council Official Mr Adrian Burns noted that following the report on the Review of Council's Committees, further funds were received from the Bathurst Street and Ted Burge Committees since the publication of the Business Paper.

Moved and declared carried by the Administrator that Council receive this status update report on the Review of Council's Committees.

Min.219            ITEM 152/17 - CUMBERLAND INDEPENDENT HEARING AND ASSESSMENT PANEL REVIEW AND PLANNING PANELS BILL

Moved and declared carried by the Administrator that Council:

1. Adopt the revised Cumberland Independent Hearing and Assessment Panel Policy in attachment 2, with the exception of the proposed changes to the consideration of planning proposals; and
2. Revise and update the wording in the proposed Procedures Manual consistent with the revised Policy as adopted.

Min.220            ITEM 153/17 - DRAFT CUMBERLAND EMPLOYMENT AND INNOVATION LANDS STRATEGY AND LAND USE PLANNING FRAMEWORK 2017

Moved and declared carried by the Administrator that:

1. Council place the *Draft Cumberland Employment and Innovation Lands Strategy and Land Use Planning Framework 2017* on public exhibition for a period of six weeks between September and October 2017; and
2. A report be brought back to Council on the outcomes of the public exhibition.

**Min.221** ITEM 154/17 - ASSESSMENT OF PLANNING PROPOSAL REQUEST FOR 2  
PERCY STREET, AUBURN

**Note:** Ms. Helen Deegan, Rev. Graham Guy and Mr. Izzet Anmak addressed the meeting on this item. Ms. Helen Deegan tabled a document *Percy Street Auburn Site Massing Studies* at the meeting. Council Official Ms Monica Cologna noted that there will be correction to the Report indicating that the site is south east of the Auburn Gallipoli Mosque.

**Moved and declared carried by the Administrator that Council:**

**Require the proponent for the planning proposal request for 2 Percy Street, Auburn to provide the following additional information, as recommended by the Cumberland IHAP, to the satisfaction of the General Manager:**

- a. A revised Flood Impact Assessment, 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 planning proposal concept and additional information that demonstrates that adequate open/play space for the proposed student population can be provided primarily within the subject site;**
- c. A revised Transport Impact Assessment including further modelling which takes into account:
  - i. (i) the increased FSRs resulting from LEP Amendment 8 to Auburn LEP 2010;**
  - ii. any revisions to the planning proposal request; and**
  - iii. Council's traffic modelling undertaken for the Draft Auburn and Lidcombe Town Centre Strategy;****
- 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 to be submitted and discussed with Council.**
- e. Require the proponent to amend the planning proposal request originally submitted for 2 Percy Street, Auburn, to reflect the revised FSR of 1:1.**
- f. Require the proponent to submit specific justification, including a view line analysis, should the proponent wish to exceed the maximum building height of 10m (but no greater than maximum building height of 12m) for the site, to demonstrate that the proposed maximum building height would not have an adverse impact on important views to the Gallipoli Mosque and its surrounds.**
- g. Following the completion of the revised Traffic Assessment and prior to submission of the Planning Proposal for a Gateway Determination, require the proponent to 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.**
- h. Require the matter be reported back to Cumberland IHAP if the information submitted by the proponent is considered unsatisfactory by the General Manager, outlining the reasons why the information was considered unsatisfactory.**

i. On receipt of all required information to the satisfaction of the General Manager, proceed with the preparation of a planning proposal for 2 Percy St, Auburn (PP-2/2017) on the following basis:

- iv. permit 'educational establishment' as an additional permitted use under Schedule 1 of Auburn LEP 2010;  
add the site to the Additional Permitted Uses Map;  
amend the Height of Buildings Map to provide for a maximum building height
- v. for the site of 10m, or up to 12 m height if adequately justified by information provided under recommendation 3;
- vi. incorporate any revisions required that result from the revised Flood Impact Assessment; and
- vii. incorporate any revisions that result from the revised traffic and transport assessment, including a Letter of Offer for a Planning Agreement, if appropriate.

j. The General Manager be requested not to subdelegate this matter.

Min.222      ITEM 155/17 - SITE SPECIFIC DEVELOPMENT CONTROL PLAN FOR 108 STATION STREET WENTWORTHVILLE – POST-EXHIBITION REPORT

Moved and declared carried by the Administrator 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 proponent's draft sketch tabled at the August IHAP 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 that will remain at one storey.
  - b. Amend Figure 4 in the draft DCP to ensure consistency with Figure 10.
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 be consistent 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 revised draft LEP and draft DCP.

Min.223      ITEM 156/17 - CUMBERLAND PLANNING AGREEMENTS POLICY AND GUIDELINES

Moved and declared carried by the Administrator that Council:

1. Amend the Draft Cumberland Planning Agreements Policy (at Attachment 2) to require a contribution of at least 5% of any potential additional residential floorspace (or where impracticable, an equivalent monetary contribution) for affordable housing be included in Planning agreements (related to planning proposals that would result in potential

land value uplift), and adopt the amended policy;

2. Amend the Draft Cumberland Planning Agreements Guidelines (at Attachments 3 and 4) to require that Planning Agreements related to planning proposals provide for at least 5% of the additional residential floor space to be dedicated as affordable housing, consistent with the amendment to the Planning Agreements Policy, and adopt the amended guidelines;
3. Place a notice in the local newspapers advising of the adoption of the Policy and Guidelines; and
4. Review the levels of the mandatory value sharing components following the execution of 5 planning agreements negotiated with Council or within 18 months, whichever is the sooner.

Min.224            ITEM 157/17 - SITE SPECIFIC DCP FOR 1A/1B QUEEN ST AUBURN

**Note:** Rev. Graham Guy and Ms. Maha Zreik addressed the meeting on this item. Council Official Ms Monica Cologna noted that the Department of Planning and Environment notified Council in July that the LEP Amendment would be made with a commencement date of 2 months later. The Draft Auburn and Lidcombe Town Centres Strategy exhibited over the Christmas-New Year period accurately showed the Queen Street site as zoned industrial, as the LEP Amendment to rezone this land had not been finalised. This matter has been progressed by the Regional Planning Panel and the Department of Planning as the relevant planning authority since 2013 - at Council's request.

Ms Monica Cologna further noted that the Voluntary Planning Agreement which will deliver the roundabout at Queen St/Marion St/Kerr Parade was executed earlier this year.

**Moved and declared carried by the Administrator that:**

1. Council adopt the site specific DCP for 1A/1B Queen St Auburn (as Attachment 1) and incorporate the DCP as part of site specific controls in the Residential Development Controls section of Auburn DCP 2010.
2. A notice be placed in the local paper to make the DCP effective on publication of this notice, in accordance with s.21 of the Environmental Planning and Assessment Regulation 2000.
3. Council's website be updated accordingly.

Min.225            ITEM 158/17 - DEVELOPMENT APPLICATIONS – ASSESSMENT POLICIES AND PROCEDURES

**Moved and declared carried by the Administrator that the two (2) draft DA policies namely, *Handling of unclear, incomplete, non-conforming and amended DA's* and *Handling of Public Submissions* be adopted by Council and become effective immediately.**

## Assessment of Planning Proposal Request for 2 Percy Street, Auburn

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

### Summary:

A report on the assessment of a planning proposal request for 2 Percy Street, Auburn (PP-2/2017) was considered by the Cumberland Independent Hearing and Assessment Panel at the meeting of 9 August 2017 [Item C029/17].

The purpose of this report is to seek a resolution from Council to progress this planning proposal request for 2 Percy Street, Auburn, subject to the proponent submitting additional information on flooding, traffic and transport, adequate play/open space on site, a view line analysis (should the height of the proposed educational establishment exceeds 10m up to 12m), a letter of offer for a planning agreement for the required upgrades and improvements, and revising the original planning proposal request to reflect the 1:1 FSR amendment as agreed to the satisfaction of Council officers.

Should the requested information be satisfactorily submitted by the proponent, then a planning proposal should be prepared for the subject site and submitted to the Department of Planning and Environment for a Gateway Determination.

### Report Recommendation:

**That Council:**

**Require the proponent for the planning proposal request for 2 Percy Street, Auburn to provide the following additional information, as recommended by the Cumberland IHAP, to the satisfaction of the General Manager:**

**a. A revised Flood Impact Assessment, 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 planning proposal concept and additional information that demonstrates that adequate open/play space for the proposed student population can be provided primarily within the subject site;**

**c. A revised Transport Impact Assessment including further modelling which takes into account:**

- i. (i) the increased FSRs resulting from LEP Amendment 8 to Auburn LEP 2010;**
- ii. any revisions to the planning proposal request; and**
- iii. Council's traffic modelling undertaken for the *Draft Auburn and Lidcombe Town Centre Strategy*;**

**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 to be submitted and discussed with Council.

e. Require the proponent to amend the planning proposal request originally submitted for 2 Percy Street, Auburn, to reflect the revised FSR of 1:1.

f. Require the proponent to submit specific justification, including a view line analysis, should the proponent wish to exceed the maximum building height of 10m (but no greater than maximum building height of 12m) for the site, to demonstrate that the proposed maximum building height would not have an adverse impact on important views to the Gallipoli Mosque and its surrounds.

g. Following the completion of the revised Traffic Assessment and prior to submission of the Planning Proposal for a Gateway Determination, require the proponent to 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.

h. Require the matter be reported back to Cumberland IHAP if the information submitted by the proponent is considered unsatisfactory by the General Manager, outlining the reasons why the information was considered unsatisfactory.

i. On receipt of all required information to the satisfaction of the General Manager, proceed with the preparation of a planning proposal for 2 Percy St, Auburn (PP-2/2017) on the following basis:

- iv. permit 'educational establishment' as an additional permitted use under Schedule 1 of *Auburn LEP 2010*;

add the site to the Additional Permitted Uses Map;

amend the Height of Buildings Map to provide for a maximum building height

- v. for the site of 10m, or up to 12 m height if adequately justified by information provided under recommendation 3;
- vi. incorporate any revisions required that result from the revised Flood Impact Assessment; and
- vii. incorporate any revisions that result from the revised traffic and transport assessment, including a Letter of Offer for a Planning Agreement, if appropriate.

#### Report:

### **1. Background**

A planning proposal request for 2 Percy Street, Auburn (Figure 1) lodged by Gallipoli Education Solutions (the proponent) on 19 May 2017, seeks to amend Schedule 1 of the *Auburn Local Environmental Plan 2010* to introduce 'educational establishment' as an additional permissible use.

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 retain the existing FSR of 1:1 under *Auburn LEP 2010* (although initially FSR of 1.2:1 was sought).

The proposal seeks to provide for a school of 650 students and 50 staff. One of the objectives stated in the planning proposal request 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 as a (K-12) school, including a small addition to the roof (cafeteria and toilets).



Figure 1- Subject site



Figure 2- Auburn LEP 2010 Zoning Map

The subject site is located approximately 100-150m west of the iconic Auburn Gallipoli Mosque, opposite an approved three storey residential aged care facility (under construction). Wyatt Park, a major district public open space is located to the east of the site.

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

## 2. Community Consultation

The planning proposal request was publicly exhibited (Pre-Gateway) in accordance with the *Cumberland Council's Planning Proposal Notification Policy* from 1 June to 30 June 2017.

A total of twenty six (26) written submissions, including a signed petition, were received in response during the exhibition period. Of the submissions received, twenty four (24) submissions supported the proposal, one (1) submission objected to the proposal, and the other submission did not make a reference or relate to the proposal. The signed petition, in support of the proposal, contained 2305 signatures.

### **3. *Cumberland Independent Hearing and Assessment Panel***

The Cumberland Independent Hearing and Assessment Panel (IHAP) considered this matter at its meeting on 9 August 2017 [Item C029/17].

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, flooding, social/environmental issues, along with preliminary community consultation outcomes carried out for the proposal (refer to Attachment 1 for panel minutes and report).

At the meeting, the Cumberland IHAP unanimously recommended that Council proceed with the planning proposal request for 2 Percy Street, Auburn as follows:

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".

#### **4. Outstanding issues**

The following issues were identified in the Council officer's report to the Cumberland IHAP.

##### **a. Flooding**

The detailed identification survey submitted by the proponent showed that the north-eastern portion of the site was 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 additional permitted use of an educational establishment. 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. To progress the proposal further revision and/or information would be required to demonstrate that a school can be safely located on this site.

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

The GTA traffic report submitted by the proponent to support the planning proposal request has assessed the intersection of St Hilliers Road/Rawson Street as acceptable overall. However, it does not appear to take into account the significant increases in floor space ratios in Auburn and Lidcombe town centres that resulted from LEP Amendment (No.8) to *Auburn LEP 2010* in September 2013. LEP Amendment No.8 was informed by a traffic and transport study (Hyder, 2013) which assessed the above intersection.

If the planning proposal request is to be progressed, an updated traffic report would be required, that considers impacts of the likely traffic increases on the Rawson/St Hilliers intersection on the traffic data in the September 2013 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*'.

Specifically this will require 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 planning proposal request. If this were the case, a Planning Agreement would need to be negotiated, to address the issue.

c. Play/open space

Whilst the planning proposal request provides for some open space (roof top), it does not provide adequate open space within the subject site for the proposed 650 students. Instead, it seeks to use Wyatt Park for open space.

Wyatt Park is a major district open space and heavily used for sport events and competitions by many sporting organisations (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.

Whilst some usage of Wyatt Park could be considered by Council, if an additional permissible use to permit an educational establishment (school) on the subject site is to proceed, a significant proportion of the total amount of open space needed to meet the requirements of the proposed student population should be provided on site.

If the planning proposal request is to be progressed, it is recommended that the development concept be revised and additional information be provided to show how adequate open/play space can be provided primarily within the subject site. This may require a reduction in the proposed intensity of the use (i.e. reduced student numbers).

**Conclusion:**

On 9 August 2017, the Cumberland IHAP considered this matter and recommended proceeding with the planning proposal request for 2 Percy Street, Auburn, subject to the provisions of certain additional information. This includes additional traffic modelling, flooding, open/play space, submit further additional information, studies, a letter of offer for a planning agreement, and revision of the original planning proposal request to the satisfaction of Council officers.

Should the additional information required by the proponent be submitted and considered satisfactory, then a planning proposal could be prepared for the subject site and submitted to the Department of Planning and Environment for a Gateway Determination.

Should the information submitted by the proponent be considered unsatisfactory, the Cumberland IHAP has recommended that the matter would be reported back to the Panel for further consideration.

**Consultation:**

Pre-Gateway Consultation was undertaken from 1 June to 30 June 2017 in accordance with Council's Planning Proposal Notification Policy. Subsequent statutory consultation will be undertaken Post-Gateway, should the planning proposal request proceed.

**Financial Implications:**

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

**Policy Implications:**

The proposal seeks to amend the planning proposal provisions relating to the subject site, which would result in an amendment to the *Auburn Local Environmental Plan 2010*. For the proposal to proceed to Gateway submission, it is recommended that the outstanding items identified by the Cumberland IHAP be addressed by the proponent.

**Communication / Publications:**

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

**Attachments:**

1. Cumberland IHAP report and minutes of 9 August 2017 [Item C029/17]
2. Attachments to Cumberland IHAP Report - 9 August 2017 - Item C029/17. (Includes assessment of PP request and relevant appendices)

