Minutes of the Council Meeting 4 September 2019

Meeting commenced at 6:32pm

Present:

Greg Cummings (Mayor)	Councillor
Glenn Elmore (Deputy Mayor)	Councillor
Ned Attie	Councillor (arrived 6:41pm)
George Campbell	Councillor
Steve Christou	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Suman Saha	Councillor
Eddy Sarkis	Councillor (arrived 6:42pm)
Michael Zaiter	Councillor
Tom Zreika	Councillor
Brooke Endycott	Acting General Manager
Melissa Attia	Director People & Performance
Nicole Byrn	Acting Director Community Development
Daniel Cavallo	Director Environment & Planning
Peter Fitzgerald	Director Works & Infrastructure
Richard Sheridan	Director Finance & Governance

Also Present:

Charlie Ayoub	Executive Manager Corporate Services
Monica Cologna	Executive Manager City Strategy
Carol Karaki	Governance Coordinator
Olivia Shields	Senior Governance Officer

Opening Prayer

The opening prayer was read by Rev. Bob Dennis from Merrylands Baptist Church.

Acknowledgement of Country

The Mayor, Councillor Cummings opened the Meeting with the following Acknowledgement of Country:

"I would like to acknowledge the traditional owners of this land – the Darug People, and pay my respects to their elders past, present and emerging."

National Anthem

At this point in the meeting the Mayor, Councillor Cummings asked all of those in attendance to stand for the playing of the Australian National Anthem.

Notice of Live Streaming of Council Meeting

The Mayor, Councillor Cummings advised that the Council meeting was being streamed live on Council's website and members of the public must ensure their speech to the Council is respectful and use appropriate language.

Min.656 Apologies/Leave of Absence

Note: Councillor Garrard noted that Councillor Sarkis will be late to the Meeting.

Resolved (Zaiter/Elmore)
That Councillor Rahme be granted Leave of Absence for this Council Meeting.

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Confirmation of Minutes

Min.657 C09/19-186 Minutes of the Ordinary Meeting of Council - 21 August 2019

Resolved (Garrard/Huang)

That Council confirm the minutes of the Ordinary Meeting of Council held on 21 August 2019.

Min.658 MM09/19-9 Mayoral Minute Environmental Health Australia (NSW) Inc. Excellence Awards

Resolved (Cummings)

That Council congratulate the Environmental Health Team for their outstanding work.

Min.659 Suspension of Standing Orders

Resolved (Zreika/Huang)

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Items C09/19-189, C09/19-190, C09/19-191 and C09/19-195 to be brought forward for consideration following Public Forum.

Public Forum:

Speakers on Items on the Council Meeting Agenda

Speaker	Item #	Suburb
Mr Tony Oldfield	C09/19-189 - Lidcombe Town Centre - Planning Controls Strategy	Auburn
Mr Martin Salaverri	C09/19-189 - Lidcombe Town Centre - Planning Controls Strategy	Berala
Reverend Graham Nathan Guy	C09/19-189 - Lidcombe Town Centre - Planning Controls Strategy	Auburn
Ms Caroline Staples	C09/19-189 - Lidcombe Town Centre - Planning Controls Strategy	Lidcombe
Ms Kerryn Stanton	C09/19-190 Community Feedback on Cumberland's Heritage List	Auburn
Mr Leon Savage	C09/19-191 - Proposed Planning Controls for selected land uses and Part 6 of the new Cumberland Local Environmental Plan	Lidcombe
Reverend Graham Nathan Guy	C09/19-191 - Proposed Planning Controls for selected land uses and Part 6 of the new Cumberland Local Environmental Plan	Auburn
Mr Stephen Earp	C09/19-195 - Planning Proposal for 2 Percy Street, Auburn	Thornleigh

Min.660 C09/19-189 Lidcombe Town Centre - Planning Controls Strategy

Motion (Attie/Sarkis)

That Council:

1. Endorse the proposed changes to maximum height controls for Precincts 1, 2, 3, 4, 6, 8, 12 and 14 for the Lidcombe Town Centre, as outlined in Attachment 1, which are supported by the Cumberland Local Planning Panel.

2. Endorse the proposed changes to maximum building height and floor space ratio controls in Precincts 11, 13, 15 East and 17 for the Lidcombe Town Centre, as outlined in Attachment 2, which are supported by the Cumberland Local Planning Panel.

3. Endorse the proposed changes to maximum height, floor space ratio and land use zoning controls in Precincts 7, 10, 15 and 16 for the Lidcombe Town Centre, as outlined in Attachment 3, which are supported by the Cumberland Local Planning Panel.

4. Note that the above items will be included in the planning proposal for the new Cumberland Local Environmental Plan.

Amendment (Elmore/Huang)

That Council remove Precinct 7 from point 3 of the recommendation.

Foreshadowed Amendment (Campbell/Garrard)

That Council:

1. Retain the current maximum height controls in the Auburn LEP for the Lidcombe Town Centre but reduce the maximum floor space ratio controls 3.75:1 for Precincts 1, 2, 3, 4, 6, 8, 12 and 14, which are supported by the local residents.

2. Endorse the proposed changes to maximum building height and floor space ratio controls in Precincts 13, 15 East and 17 for the Lidcombe Town Centre, as outlined in Attachment 2; apply the maximum height control of 20m and FSR control 2:1 to all sites throughout Precinct 11.

3. Endorse the proposed changes to maximum height and floor space ratio controls in Precincts 10 for the Lidcombe Town Centre, as outlined in Attachment 3. In Precinct 15, extend R3 zoning to the western side of Frederick St with FSR of 0.75:1 and maximum height of 9m. In Precincts 7 and 16, retain Auburn LEP controls.

4. Note that the above items will be included in the planning proposal for the new Cumberland Local Environmental Plan.

The Amendment moved by Councillor Elmore seconded by Councillor Huang on being Put to the meeting was declared LOST.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Amendment:	Elmore, Hamed, Huang, Lake and Saha.
Councillor(s) Against the Amendment:	Attie, Campbell, Christou, Cummings, Garrard, Sarkis and Zaiter.

The Foreshadowed Amendment of Councillor Campbell then became the Amendment.

The Mayor, Councillor Cummings on the advice of the Acting General Manager ruled that in accordance with Clause 10.6 of the Code of Meeting Practice, the Amendment of Councillor Campbell was out of order.

The Motion moved by Councillor Attie seconded by Councillor Sarkis on being Put was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion:	Attie, Christou, Cummings, Hamed, Huang, Lake, Saha, Sarkis and Zaiter.
Councillor(s) Against the Motion:	Campbell, Elmore and Garrard.

Councillor Zreika left the Meeting at 7:13pm during the consideration of this item.

Councillor Christou left the Meeting at 7:35pm and returned to the Meeting at 7:38pm during the consideration of this item.

ADJOURNMENT

8:09pm The Mayor, Councillor Cummings adjourned the Meeting for a short recess during the consideration of this item.

8:22pm The Mayor, Councillor Cummings resumed the Meeting and consideration of this item continued accordingly.

Min.661 C09/19-195 Planning Proposal for 2 Percy Street, Auburn

Note: The Mayor, Councillor Cummings noted that this item would be considered at this time of the Meeting given that the item was of interest to many members of the public in attendance.

Resolved (Zreika/Hamed)

That Council:

1. Forward the planning proposal for 2 Percy Street, Auburn, to the Department of Planning, Industry and Environment for finalisation and gazettal.

2. Endorse in-principle the public benefit offer by the applicant, as provided in Attachment 4, subject to the gazettal of the planning proposal and approval of the State Significant Development Application for the site by the Department of Planning, Industry and Environment.

3. Endorse that the preparation and execution of a Voluntary Planning Agreement for the public benefit offer be included as a condition of approval by the Department of Planning, Industry and Environment for the State Significant Development Application on the site.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion:	Attie, Campbell, Christou, Cummings, Elmore, Hamed, Huang, Lake, Saha, Sarkis, Zaiter and Zreika.
Councillor(s) Against the Motion:	Garrard

Councillor Zreika returned to the Meeting at 8:23pm during the consideration of this item.

Min.662 C09/19-190 Community Feedback on Cumberland's Heritage List

Resolved (Lake/Elmore)

That Council:

1. Note that seven submissions were received regarding the 10 items identified as no longer meeting the NSW heritage criteria for assessing heritage significance.

2. Note that 23 submissions were received regarding nominations of items and places for future heritage consideration.

3. Note that the community feedback received will be used to inform the scope of heritage items to be included in the new Cumberland Local Environmental Plan.

Min.663 C09/19-191 Proposed Planning Controls for selected land uses and Part 6 of the new Cumberland Local Environmental Plan

Resolved (Lake/Saha)

That Council:

1. Endorse the planning approach for places of public worship to be included in the new Cumberland LEP, as provided in Attachment 1.
2. Endorse the planning approach for sex services premises to be included in the new Cumberland LEP, as provided in Attachment 2 except for business/mixed use zones (B2, B4, B5 and B6) which are excluded.
3. Endorse the local and site specific provisions to be included in Part 6 of the new Cumberland Local Environmental Plan, as provided in Attachment 3.
4. Note that the above items will be included in the planning proposal for the new Cumberland Local Environmental Plan.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion:	Attie, Campbell, Christou, Cummings, Elmore, Garrard, Hamed, Huang, Lake, Saha, Sarkis, Zaiter and Zreika.
Councillor(s) Against the Motion:	Nil

Min.664 Resumption of Standing Orders

Resolved (Sarkis/Zreika)

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

Item No: C09/19-195

PLANNING PROPOSAL FOR 2 PERCY STREET, AUBURN

Responsible Division:	Environment & Planning
Officer:	Director Environment & Planning
File Number:	PP-2/2017
Community Strategic Plan Goal:	*A resilient built environment*

SUMMARY

This planning proposal seeks to add 'Educational Establishments' as an additional permitted use at 2 Percy Street, Auburn. There is also a State Significant Development (SSD) application for a school on the site that will be assessed and determined by the Department of Planning, Industry and Environment.

As required by Council's resolution and the Gateway Determination, the planning proposal has been publicly exhibited for a period of 28 days. This report outlines the feedback received during exhibition.

A public benefit offer has also been made by the applicant for the site. This offer is fair and reasonable, and also consistent with Council's Planning Agreements Policy.

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry and Environment for finalisation and gazettal. It is also recommended that the public offer is endorsed in-principle, and that it is captured through a condition of approval for the SSD application.

RECOMMENDATION

That Council:

1. **Forward the planning proposal for 2 Percy Street, Auburn, to the Department of Planning, Industry and Environment for finalisation and gazettal.**

2. **Endorse in-principle the public benefit offer by the applicant, as provided in Attachment 4, subject to the gazettal of the planning proposal and approval of the State Significant Development Application for the site by the Department of Planning, Industry and Environment.**

3. **Endorse that the preparation and execution of a Voluntary Planning Agreement for the public benefit offer be included as a condition of approval by the Department of Planning, Industry and Environment for the State Significant Development Application on the site.**

REPORT

Background

A planning proposal request for land at 2 Percy Street, Auburn, was lodged with Council in May 2017. This request sought to introduce 'educational establishment' as an additional permissible use, via an amendment to Schedule 1 of the *Auburn Local Environmental Plan 2010 (Auburn LEP 2010)*.

In February 2018, a Gateway Determination was issued that required a number of conditions to be addressed prior to proceeding to public exhibition. These conditions were met and in July 2019, Council endorsed the public exhibition of the planning proposal.

The proponent has also lodged a State Significant Development (SSD) application with Planning, Industry and Environment to permit a school for up to 750 students on the site.

The status of the planning proposal is provided in Figure 1

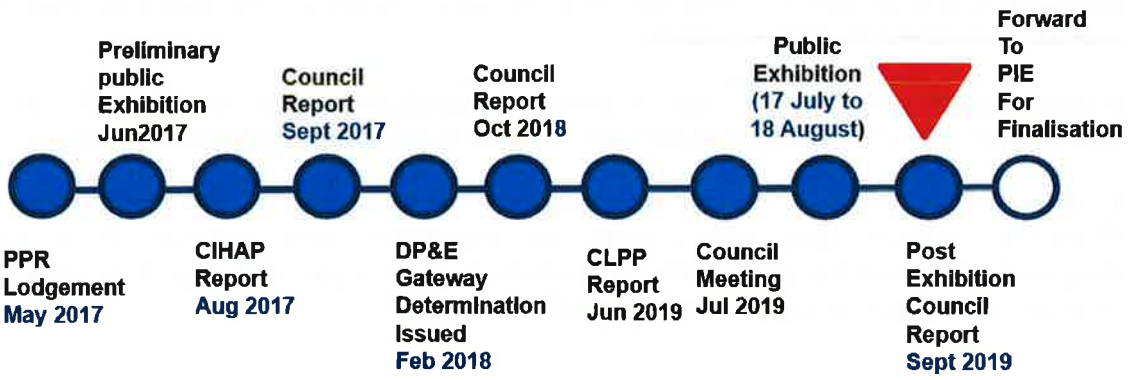

Figure 1 Planning Proposal Status

Public Exhibition of Planning Proposal

Public Submissions

165 public submission were received during the exhibition period. 163 submissions were in support of the International Maarif School. Two submissions did not provide comment. No submissions objected to the planning proposal or the operation of a school.

No direct planning issues were raised in the submissions received. The issues raised in the submission were general comments supporting the operation of a school and included:

- There is a need for more schools to support the growing school aged population in Auburn
- There is an urgent demand for this school and parents are eagerly waiting to transfer their children to the new Auburn campus from Turella
- Students currently endure long travel times to attend the school in Turella and the proposed school at 2 Percy Street will assist to reduce travel times.
- General support for the education provided by the International Maarif School

A summary of the key issues raised in the submissions is included as Attachment 1 to this report.

Public Authority Consultation

The Gateway Determination required Council to consult with the following public authorities:

- Department of Education
- Environment, Energy and Science (Former Office of Environment and Heritage)
- Crown Lands

Additional consultation with Transport for NSW and Roads and Maritime Services was not required, as the Gateway Determination required consultation with these authorities prior to public exhibition, and any issues were resolved prior to the planning proposal being publicly exhibited.

The Crown Lands submission did not raise any objection to the planning proposal.

The Department of Environment, Energy and Science identified issues in relation to the number of students to be accommodated for a school on the site, as well as a range of other matters. The issues identified are not relevant to the planning proposal, as they relate specifically to the SSD application.

No submission was received from the Department of Education.

Further information on public authority submissions is provided in Attachment 2.

Public Benefit Offer

As reported to Council on 3 July 2019, a public benefit offer through a Voluntary Planning Agreement with Council is being pursued under the SSD application instead of the planning proposal as originally sought.

Council obtained an independent valuation of the potential increase in residual land value arising from the planning proposal (Attachment 3). In accordance with Council policy, the total value of development contributions to be made under a planning agreement will be equivalent to 50% of the increase in residual land value arising from the development proposal.

An offer has been made by the applicant to provide a monetary contribution that reflects 50% of the increase in residual land value arising from the development

proposal (Attachment 4). The offer by the applicant is fair and reasonable, and is also consistent with Council's Planning Agreements Policy. It is proposed that the contribution funding derived from the public benefit offer be used to upgrade facilities in Wyatt Park.

It is also recommended that the preparation and execution of a Voluntary Planning Agreement for the public benefit offer be included as a condition of approval by the Department of Planning, Industry and Environment for the State Significant Development Application on the site. This will provide certainty on the approach moving forward for the public benefit offer in relation to the planning proposal and SSD application. This approach is also supported by the applicant (Attachment 5).

Next Steps

Subject to Council endorsement, the following activities will be undertaken to complete the planning proposal process:

- The planning proposal will be forwarded to the Department of Planning, Industry and Environment for finalisation and gazettal
- Council provides a formal submission to the Department of Planning, Industry and Environment regarding the inclusion of a condition regarding the preparation of a Voluntary Planning Agreement as part of the SSD application
- The SSD application is assessed and determined by the Department of Planning, Industry and Environment
- Should the SSD application be approved, a Voluntary Planning Agreement will be negotiated between the proponent and Council

COMMUNITY ENGAGEMENT

The planning proposal was exhibited from Wednesday 17 July 2019 to Sunday 18 August 2019.

Letters were sent to nearby landowners, a notice on Council's Have Your Say Page and an advertisement placed in Auburn Review, informing the public of the exhibition of the Planning Proposal. The exhibition material, including the Planning Proposal, was available for view, on Councils website, at Cumberland Council's Administration buildings in Auburn and Merrylands, and in the Auburn Library.

POLICY IMPLICATIONS

The planning proposal will result in an amendment to the *Auburn LEP 2010* upon finalisation and gazettal.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the main body of the report.

CONCLUSION

This planning proposal seeks to add 'Educational Establishments' as an additional permitted use at 2 Percy Street, Auburn. There is also a State Significant Development (SSD) application for a school on the site that will be assessed and determined by the Department of Planning, Industry and Environment.

The planning proposal has been publicly exhibited for a period of 28 days, and no public submission received objecting to the proposal. A public benefit offer has also been made by the applicant for the site. This offer is fair and reasonable, and also consistent with Council's Planning Agreements Policy.

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry and Environment for finalisation and gazettal. It is also recommended that the public benefit offer is endorsed in-principle, and that it is captured through a condition of approval for the SSD application.

ATTACHMENTS

1. Summary of public submissions
2. Public authority submissions
3. Property valuation report (confidential)
4. Letter to Cumberland Council re: VPA Offer for 2 Percy Street, Auburn (confidential)
5. Letter to Cumberland Council re: VPA conditions of Approval

DOCUMENTS ASSOCIATED WITH REPORT C09/19-195

Attachment 1

Summary of public submissions

Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
01	19 July 2019		**Auburn**	**In support**	• States that the proposal entirely facilitates and accommodate the proposed school use and operations on the site at 2 Percy St, Auburn. • Considers that the proposed school and other schools are necessary in the Local Government Area of Cumberland to accommodate for the immediate and growing school aged population.	Submission is noted.
02.	19 July 2019		**Auburn**	**In support**	• Same comments as above.	Submission is noted.
03.	19 July 2019		**Auburn**	**In support**	• States the proposed school needs to be approved.	Submission is noted.
04.	19 July 2019		**Auburn**	**In support**	• States that due to rapidly growing population, there is definitely an increasing need for more schools in our area. • Supports the idea of a new school at this location and believe it will be of huge benefit. • Is pleased with the service and education the establishment has been providing and believes that it would be a great opportunity for the rest of the Auburn Community to also benefit from those services.	Two submissions are noted.
05.	19 July 2019		**Auburn**	**In support**	• States that the proposal entirely facilitates and accommodate the proposed school use and operations on the site at 2 Percy Street Auburn. • Considers that the proposed school and other schools are necessary in the Local Government Area of Cumberland to accommodate for the immediate and growing school aged population.	Submission is noted.
06.	19 July 2019		**Auburn**	**In support**	• Same comments as above.	Submission is noted.
07.	19 July 2019		**Regents Park**	**In Support**	• Same comments as above.	Submission is noted.
08.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
09.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
10.	19 July 2019		**Auburn**	**In support**	• Same comments as above.	Submission is noted.
11.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
12.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
13.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.

PP-2/2017

Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
14.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
15.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
16.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
17.	19 July 2019		**Potts Hill**	**In support**	• Same comments as above.	Submission is noted.
18.	19 July 2019		**Potts Hill**	**In support**	• Same comments as above.	Submission is noted.
19.	19 July 2019		**Potts Hill**	**In Support**	• Same comments as above.	Submission is noted.
20.	19 July 2019		**Potts Hill**	**In Support**	• States that the submitter is planning to send kids to this school in the future and wholeheartedly support the development to go ahead.	Submission is noted.
21.	19 July 2019		**Auburn**	**In Support**	• Considers support for the school to operate from 2 Percy St, Auburn NSW 2144. • States that the school will accommodate the need to cater for the growing population of children in the area.	Submission is noted.
22.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
23.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
24.	19 July 2019		**Auburn**	**In Support**	• Same comments as above.	Submission is noted.
25.	19 July 2019		**Lidcombe**	**In Support**	• Same comments as above.	Submission is noted.
26.	20 July 2019		**Bossley Park**	**In Support**	• Fully supports the application of Gallipoli Education Solutions Limited for this School in Auburn. • A reputable educational facility of high quality such as Gallipoli Education Solutions Limited is a necessity. • Considers that a reputable educational facility of high quality such as Gallipoli Education Solutions Limited is a necessity and considers fully supporting this application.	Submission is noted.
27.	20 July 2019		**Bossley Park**	**In Support**	• Considers fully supporting this application.	Submission is noted.
28.	20 July 2019		**Bossley Park**	**In Support**	• Supports the application by Gallipoli Education Solutions Limited.	Submission is noted.
29.	20 July 2019		**Bossley Park**	**In Support**	• Confirms totally supporting this application.	Submission is noted.
30.	20 July 2019		**Bossley Park**	**In Support**	• Confirms support for this school application.	Submission is noted.

PP-2/2017

Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
31.	20 July 2019		**Bossley Park**	**In Support**	• Supports the proposal application lodged by Gallipoli Education Solutions Limited.	Submission is noted.
32.	20 July 2019		**Auburn**	**In Support**	• Supports the exhibited and advertised 2 Percy Street Auburn proposal and considers this school and other schools are a must in the Cumberland local government area.	Submission is noted.
33.	20 July 2019		**Bossley Park**	**In Support**	• Supports the application by Gallipoli Education Solutions Limited.	Submission is noted.
34.	20 July 2019		**Auburn**	**In Support**	• Considers and supports the school being opened because it will be a great impact on the community as the population is increasing.	Submission is noted
35.	20 July 2019		**Auburn**	-	• No comment is included for objection or support.	Submission is noted
36.	20 July 2019		**Auburn**	**In Support**	• Supports the exhibited and advertised 2 Percy Street Auburn proposal and considers this school and other schools are a must in the Cumberland local government area.	
37.	21 July 2019		**Prestons**	**In Support**	• Considers support for the school to operate from 2 Percy St, Auburn NSW 2144. • States that the school will accommodate the need to cater for the growing population of children in the area.	Submission is noted.
38.	21 July 2019		**Guildford**	**In Support**	• Supports the exhibited and advertised 2 Percy Street Auburn proposal and considers this school and other schools are a must in the Cumberland local government area.	Submission is noted.
39.	21 July 2019		**Auburn**	**In Support**	• Acknowledges support for the school mostly needed in the area.	Submission is noted.
40.	21 July 2019		**Auburn**	**In Support**	• Supports the planning proposal.	Submission is noted.
41.	21 July 2019		**Auburn**	**In Support**	• Supports the planning proposal.	Submission is noted.
42.	21 July 2019		**Auburn**	**In Support**	• Supports the planning proposal.	Submission is noted.
43.	21 July 2019		**Auburn**	**In Support**	• Supports the planning proposal.	Submission is noted.
44.	21 July 2019		**Auburn**	**In Support**	• Supports the proposal for the new school in Auburn.	Submission is noted.
45.	21 July 2019		**Auburn**	**In Support**	• Acknowledges having a new school in Auburn.	Submission is noted.
46.	21 July 2019		**Auburn**	**In Support**	• Supports the school to be made available for children.	Submission is noted.
47.	21 July 2019		**Granville**	**In Support**	• Supports the school to be built.	Submission is noted.
48.	21 July 2019		**Granville**	**In Support**	• Acknowledges the school to be local and considers enrolling children.	Submission is noted.

PP-2/2017

Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
49.	21 July 2019		**Granville**	**In Support**	• Acknowledges the school to be local and considers enrolling children.	Submission is noted.
50.	21 July 2019		**Granville**	**In Support**	• Acknowledges the school to be local and considers enrolling children.	Submission is noted.
51	21 July 2019		**Auburn**	**In Support**	• Acknowledges that the school needs to be built.	Submission is noted
52	21 July 2019		**Auburn**	**In Support**	• Acknowledges that the school is required to be built and approved	Submission is noted
53	21 July 2019		**Auburn**	**In Support**	• Considers approval of the school for submitter's children	Submission is noted.
54	23 July 2019		**Lidcombe**	**In Support**	• Considers approval of the school which is needed.	Submission is noted.
55	23 July 2019		**Lidcombe**	**In Support**	• Considers approval of the school for submitter's children	Submission is noted.
56	23 July 2019		**Auburn**	**In Support**	• Considers approval of the school for submitter's children	Submission is noted.
57	23 July 2019		**Auburn**	**In Support**	• Requests approval of the school.	Submission is noted.
58	23 July 2019		**Auburn**	**In Support**	• Considers that the development is supported.	Submission is noted.
59	26 July 2019		**Wiley Park**	**In Support**	• Considers approval of the new school building for children's education. Happy with the values and education of the present school which is operating currently.	Submission is noted.
60.	27 July 2019		**Auburn**	**In Support**	• Supports the opening of the school	Submission is noted.
61.	27 July 2019		**Greenacre**	**In Support**	• Considers support for establishing the Maarif campus in 2 Percy Street Auburn. This will save a lot of time & hassle for a young family.	Submission is noted.
62.	27 July 2019		**Lidcombe North**	**In Support**	• Considers the school to be approved because it is urgently required in this area.	Submission is noted.
63.	27 July 2019		**Auburn**	**In Support**	• Currently travels 4hrs to the existing school and prefers the new school to be in Auburn	Two submissions are noted.
64.	27 July 2019		**Merrylands**	**In Support**	• Considers support for the school to operate from 2 Percy St, Auburn NSW 2144. • States that the school will accommodate the need to cater for the growing population of children in the area.	Submission is noted.
65.	27 July 2019		**Auburn**	**In Support**	• Currently travels 4 hours to the existing school and prefers the new school to be in Auburn	Submission is noted.
66.	27 July 2019		**Auburn**	**In Support**	• Prefers to the see the Marist School at Percy street Auburn since children travel 1 hour 40 minutes daily to go and come back to the present school.	

PP-2/2017

Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
67.	27 July 2019		**Lidcombe**	**In Support**	• Council's Turkish speaking staffs have confirmed that the submission considers support to have the proposed school in Auburn.	Submission lodged in Turkish Language is noted.
68.	27 July 2019		**Auburn**	**In Support**	• Agrees and supports the proposal.	Submission is noted.
69.	27 July 2019		**Auburn**	**In Support**	• Supports the school and this school will accommodate the need to cater for the growing population of children in the area and reduce school travel time for kids.	Submission is noted.
70.	27 July 2019		**Lidcombe**	**In Support**	• Considers support for the school to operate from 2 Percy St, Auburn NSW 2144. • Considers waiting for the opening of the new school in Auburn to provide a best education for children.	Submission is noted.
71.	27 July 2019		**Parramatta**	**In Support**	• Considers support for the school and send kids to the new school	Submission is noted.
72.	27 July 2019		**Auburn**	**In Support**	• States that the proposal entirely facilitates and accommodate the proposed school use and operations on the site at 2 Percy St, Auburn. • Considers that the school will accommodate the need to cater for the growing population of children in the area.	
73.	27 July 2019		**Auburn**	**In Support**	• Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144. • States the new school will accommodate the need to cater for the growing population of children in the area.	Two submissions are noted.
74.	27 July 2019		**Auburn**	**In Support**	• Prefers support for the International Maarif school to be opened in Auburn.	Submission is noted.
75.	28 July 2019		**Auburn**	**In Support**	• Considers support for approving the project for future generations.	Submission is noted.
76.	28 July 2019		**Auburn**	**In Support**	• Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144. • States the new school will accommodate the need to cater for the growing population of children in the area.	Submission is noted.
77.	28 July 2019		**Granville**	**In Support**	• Considers fully supporting the proposal entirely to facilitate and accommodate the schools use and operations on the site.	Submission is noted.
78.	30 July 2019		**Auburn**	**In Support**	• Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144. • States the new school will accommodate the need to cater for the growing population of children in the area.	Submission is noted.

PP-2/2017

Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
79.	30 July 2019		**Auburn**	**In support**	• Same as above.	Submission is noted.
80.	30 July 2019		**Aarons Pass**	-	• No comments are included for objection or support.	Submission is noted.
81.	30 July 2019		**Auburn**	**In Support**	• Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144. • States the new school will accommodate the need to cater for the growing population of children in the area.	Submission is noted.
82.	31 July 2019		**Auburn**	**In Support**	• States that there is an urgent demand for this school and parents are eagerly waiting to transfer their children to the new Auburn campus from Turella. • States the new school will reduce travelling time for children by 2 hours each day and supports the approval of the new school.	Submission is noted.
83.	31 July 2019		**Lidcombe**	**In Support**	• Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144. • States the new school will accommodate the need to cater for the growing population of children in the area.	Submission is noted.
84.	31 July 2019		**Chester Hill**	**In Support**	• Informs that children and parents are awaiting the approval of the International Maarif School. • Considers the proposed school location will reduce travel time for the children. • Considers the proposed school will be a great asset to the community, has already made a huge impact and would like to see up and running before school is year is over.	Submission is noted.
85.	31 July 2019		**Auburn**	**In Support**	• Considers support for the school to operate from 2 Percy Street Auburn NSW 2144. • The school will accommodate the need to cater for the growing population of children in the area.	Two submissions are noted.
86.	1 Aug 2019		**Guilford West**	**In Support**	• Acknowledges that daughter attends the Maarif International in Turella. • The proposed new school at Percy Street is likely to reduce travel time for children by 2 hours and provide great learning opportunities. • Supports the proposed school being opened soon so that the submitter's children could attend this new school.	Submission is noted.
87.	2 Aug 2019		**Auburn**	**In Support**	• Considers supporting the Planning proposal for 2 Percy St Auburn NSW 2144. • Considers the population is growing very quickly, there are insufficient schools in the subject area and there is a demand for schools.	Submission is noted.

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Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
88.	2 Aug 2019		**South Granville**	**In Support**	• Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in Auburn Review local newspaper. • Informs that a school is required for the growing population of children in the region.	Submission is noted.
89.	2 Aug 2019		**South Granville**	**In Support**	• Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in Auburn Review local newspaper. • Informs that a school is required for the growing population of children in the region.	Submission is noted.
90.	2 Aug 2019		**South Granville**	**In Support**	• Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in the local newspaper. • Informs that a school is essential for the growing population of children in the region. • Families are waiting for the new school to be opened.	Submission is noted.
91.	2 Aug 2019		**South Granville**	**In Support**	Same comments as above.	Submission is noted.
92.	2 Aug 2019		**Lidcombe**	**In Support**	Same comments as above.	Submission is noted.
93.	2 Aug 2019		**Lidcombe**	**In Support**	Same comments as above.	Submission is noted.
94.	2 Aug 2019		**Lidcombe**	**In Support**	Same comments as above.	Submission is noted.
95.	2 Aug 2019		**Lidcombe**	**In Support**	• Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in the local newspaper. • Informs that a school is essential and important for the growing population of children in the region.	Submission is noted.
96.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
97.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
98.	2 Aug 2019		**Lidcombe**	**In Support**	Same as above.	Submission is noted.
99.	2 Aug 2019		**Lidcombe**	**In Support**	Same as above.	Submission is noted.
100.	2 Aug 2019		**Regents Park**	**In Support**	Same as above.	Submission is noted.
101.	2 Aug 2019		**Regents Park**	**In Support**	Same as above.	Submission is noted.
102.	2 Aug 2019		**Regents Park**	**In Support**	Same as above.	Submission is noted.
103.	2 Aug 2019		**Regents Park**	**In Support**	Same as above.	Submission is noted.

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Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
104.	2 Aug 2019		**Regents Park**	**In Support**	• Considers support for the proposed new school, acknowledges that the project is crucial for the growing population of the area and that there is plenty of children wanting to enrol for this school.	Submission is noted.
105.	2 Aug 2019		**Regents Park**	**In Support**	Same as above.	Submission is noted.
106.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
107.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
108.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
109.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
110.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
111.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
112.	2 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
113.	3 Aug 2019		**Auburn**	**In Support**	• Considers support for the school and children to be educated in the heart of community	Submission is noted.
114.	3 Aug 2019		**Granville**	**In Support**	• Considers support and Council's approval for the proposed school to make the community happy.	Submission is noted.
115.	3 Aug 2019		**Auburn**	**In Support**	• Considers support for the school.	Submission is noted.
116.	3 Aug 2019		**Auburn**	**In Support**	• Council's Turkish speaking staffs has confirmed that the submission considers support to have the proposed school in Auburn.	Submission lodged in Turkish language is noted.
117.	3 Aug 2019		**Eastlakes**	**In Support**	• Acknowledges that the proposed school is conveniently located and considers supporting the proposal.	Submission is noted.
118.	13 Aug 2019		**Stanhope Gardens**	**In Support**	• Considers approval and support for the proposal. • Informs the relocation of existing school from Turella to the proposed site at Auburn will further reduce 2 hours travel time each way for children which would give them additional time to do other activities.	Submission is noted.
119.	13 Aug 2019		**Guilford West**	**In Support**	• Considers support for the proposed new school which will reduce travel time for children and parents significantly and provide quality education.	Submission is noted.
120.	13 Aug 2019		**Guilford West**	**In Support**	Same as above.	Two submissions are noted.

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Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
121.	13 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed school.	Submission is noted.
122.	14 Aug 2019		**Stanhope Gardens**	**In Support**	• Considers support for the proposed new school which will reduce travel time for children and parents significantly and provide quality education for a better life.	Submission is noted.
123.	14 Aug 2019		**Lidcombe**	**In Support**	Same as above.	Submission is noted.
124.	14 Aug 2019		**Lidcombe**	**In Support**	Same as above.	Submission is noted.
125.	14 Aug 2019		**Condell Park**	**In Support**	• Considers support for the proposed new school which will reduce travel time for children and parents significantly, provide quality education for a better life, and save time for children to engage in other school activities.	Submission is noted.
126.	14 Aug 2019		**Yagoona**	**In Support**	Same as above.	Submission is noted.
127.	14 Aug 2019		**Auburn**	**In Support**	Same as above.	Submission is noted.
128.	14 Aug 2019		**Mascot**	**In Support**	Considers support for the proposed new school.	Submission is noted.
129.	14 Aug 2019		**Guilford**	**In Support**	• Considers support for the proposed new school which will reduce travel time for children and parents significantly.	Submission is noted.
130.	14 Aug 2019		**Auburn**	**In Support**	• Considers support for the proposed new school which will reduce travel time for children and parents significantly.	Submission is noted.
131.	14 Aug 2019		**Botany**	**In Support**	Considers support for the proposed new school.	Submission is noted.
132.	14 Aug 2019		**Auburn**	**In Support**	• Considers support for the proposed new school because there is a demand for the growing student population.	Two submissions are noted.
133.	14 Aug 2019		**Sefton**	**In Support**	Considers support for the proposed new school.	Submission is noted.
134.	14 Aug 2019		**Lidcombe**	**In support**	Considers support for the proposed new school.	Submission is noted.
135.	14 Aug 2019		**Auburn**	**In support**	Considers support for the proposed new school.	Submission is noted.
136.	14 Aug 2019		**Guildford**	**In support**	Considers support for the proposed new school.	Submission is noted.
137.	14 Aug 2019		**Auburn**	**In support**	Considers support for the proposed new school.	Submission is noted.
138.	14 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed new school.	Submission is noted.
139.	14 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed new school.	Submission is noted.
140.	14 Aug 2019		**Eastlakes**	**In Support**	Considers support for the proposed new school.	Submission is noted.
141.	14 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed new school.	Submission is noted.

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Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
142.	14 Aug 2019		**Lidcombe**	**In Support**	Considers support for the proposed new school.	Submission is noted.
143.	14 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed new school.	Two submissions are noted.
144.	14 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed new school.	Submission is noted.
145.	14 Aug 2019		**Merrylands**	**In Support**	Considers support for the proposed new school and will reduce travel time for children.	Submission is noted.
146.	15 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed new school and will reduce travel time for children.	Submission is noted.
147.	15 Aug 2019		**Auburn**	**In Support**	Considers support for the proposed new school and will reduce travel time for children.	Submission is noted.
148.	15 Aug 2019		**Yagoona**	**In Support**	Considers support for the proposed new school.	Submission is noted.
149.	15 Aug 2019		**Granville**	**In Support**	Considers support for the proposed new school which will reduce travel time for children and parents significantly, provide quality education for a better life, and save time for children to engage in other school activities.	Submission is noted.
150.	15 Aug 2019		**Granville**	**In Support**	Considers support for the proposed new school.	Submission is noted
151.	15 Aug 2019		**Granville**	**In Support**	Considers support for the proposed new school.	Submission is noted.
152.	15 Aug 2019		**Granville**	**In Support**	Considers 100% support for the proposed new school.	Submission is noted.
153.	15 Aug 2019		**Granville**	**In Support**	Considers 100% support for the proposed new school.	Submission is noted.
154.	15 Aug 2019		**Granville**	**In Support**	Considers support for the proposed new school.	Submission is noted.
155.	15 Aug 2019		**Granville**	**In Support**	Considers support for the proposed new school.	Submission is noted.
156.	15 Aug 2019		**Auburn**	**In Support**	Considers support for the planning proposal proposing a school.	Submission is noted.
157.	15 Aug 2019		**Auburn**	-	No comment.	Submission is noted.
158.	15 Aug 2019		**Auburn**	**In Support**	Considers strong support for the school in the local area.	Submission is noted.

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Public Submissions summarised for PP-2/2017

No	Submission date	Submitter	Suburb	Support or objection	Comments (summarised/paraphrased)	Council's response
159.	15 Aug 2019		**Auburn**	**In Support**	Considers support for the school to be in Auburn rather than elsewhere which would be convenient for the grand children and parents.	Submission is noted.
160.	15 Aug 2019		**Chester Hill**	**In Support**	Considers strong support for the school in the local area.	Submission is noted.
161.	15 Aug 2019		**Auburn**	**In Support**	Considers strong support for the school in the local area by a long standing resident.	Submission is noted.
162.	16 Aug 2019		**Merrylands**	**In Support**	Considers support for the proposed new school which will reduce travel time for children and parents significantly, provide quality education for a better life, and save time for children to engage in other school activities.	Submission is noted.
163.	18 Aug 2019		**Guilford West**	**In Support**	Same as above.	Submission is noted.
164.	18 Aug 2019		**Guildford West**	**In Support**	Same as above. The proposed school will reduce more travel time for the students and will provide a bilingual school for the area.	Submission is noted.
165.	18 Aug 2019		**Bankstown**	**In Support**	Considers strong support for the school in the local area.	Submission is noted.

Total number of public submissions - 165
In support – 163
Submissions with no comment (providing objection nor support) - 2

PP-2/2017

DOCUMENTS ASSOCIATED WITH REPORT C09/19-195

Attachment 2

Public authority submissions

Agency Submissions summarised for PP-2/2017

No	Submission received	Agency	Comments (summarised/paraphrased)	Council's response
01.	13 Aug 2019	**NSW Crown Land Division**	Confirmed that there are no comments on the proposal.	Submission is noted.
02	14 Aug 2019	**Planning Industry and Environment** **Energy, Environment and Science Group (EES)**	No comment is provided in relation to aboriginal cultural heritage. This matter may still need to be considered by the consent authority. EES notes the planning proposal is not consistent with the SSD and when compared to the original proposal 19 May 2019 the current planning has not reduced the proposed number of students. The EES raises the following additional matters in light of the SSD: • Provision of adequate play or open space • Urban tree canopy cover issues • Site landscaping • Flooding	The land subject to this proposal is not affected by any heritage items or conservation areas or any adjacent items listed under Schedule 5 of the *Auburn LEP 2010*. Currently, there are no listed aboriginal heritage items that affect the site under the *Auburn LEP 2010*. However, Council is currently undertaking a LGA wide heritage study to inform the Cumberland LEP which is currently under preparation. Any outcomes as a result of this study may need to be considered if relevant prior to determination of the SSD. ---------- Council acknowledges that the SSD's proposed students and staff are higher (728 student and 58 staff) than the planning proposal (650 students and 50 staff). Any impacts created as a result would need to be considered and addressed as part of the SSD. Council supports the planning proposal permitting the proposed additional use for an educational establishment on site. Council acknowledges the concerns raised and notes that these matters would need to be addressed as part of the SSD application.

DOCUMENTS ASSOCIATED WITH REPORT C09/19-195

Attachment 5

Letter to Cumberland Council re: VPA conditions of Approval

JOHNSON WINTER & SLATTERY

Partner: Samantha Daly +61 2 8274 9524
Email: samantha.daly@jws.com.au
Our Ref:
DocID: 75849611.1

20 August 2019

Mr Hamish McNulty
General Manager
Cumberland Council
PO BOX 42
MERRYLANDS NSW 2160

BY EMAIL hamish.mcnulty@cumberland.nsw.gov.au

Dear Mr McNulty

Proposed draft condition of consent for SSD 8926, voluntary planning agreement for educational establishment 2 Percy Street, Auburn

We refer to our previous correspondence dated 15 August 2019.

On 16 August 2019, the Australian Turkish Maarif Foundation (**Maarif Foundation**) met with Cumberland Council (**Council**) to discuss the offer from the Maarif Foundation to enter into a Voluntary Planning Agreement (**VPA**) in relation to the State Significant Development Application (**SSDA**) (Reference: SSD 8926) for a new school at 2 Percy Street, Auburn.

It is proposed to establish a VPA under the terms of the SSDA, which would be given effect through the conditions of the consent granted by the Department of Planning, Industry and Environment (**DPIE**) under delegation by the Minister for Planning. Council has requested that the Maarif Foundation provide draft wording of this condition for its review .

Pursuant to those discussions, the Maarif Foundation has, in consultation with its project team, prepared the following draft wording for a proposed condition of consent relating to the requirement for execution of a VPA:

> *"Prior to the issuing of a Construction Certificate for Stage 2 of the approved development, a Planning Agreement must be executed between the Applicant and Cumberland Council that is in the terms of the offer made by the Applicant to Cumberland Council on 15 August 2019 and summarised in Appendix X of this consent. A copy of the executed Planning Agreement is to be forwarded to the Secretary."*

Our client requests that Council confirm its agreement to the above draft wording for a condition of consent before the proposed condition is submitted to DPIE as part of the SSDA material. We would appreciate your response within 7 days of the date of this letter.

Please contact Samantha Daly at our office should you wish to discuss the matter further.

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Liability limited by a scheme approved under Professional Standards Legislation

Yours Sincerely,

Johnson Winter & Slattery