CUMBERLAND COUNCIL

# Planning Proposal
# 2 Percy St, Auburn (PP-2/2017)

Proposal to amend the *Auburn Local Environmental Plan 2010* to introduce an 'educational establishment' as an additional permissible use

(Proposal forwarded to Department's finalisation for plan making and gazettal)

## 2 September 2019

**Report history**

| Date | Status |
|---|---|
| 22 November 2017 | Commence preparation of proposal |
| 24 November 2017 | Proposal submission to Department of Planning, Industry and Environment and Environment for a s.56 Gateway Determination |
| 20 February 2018 | Gateway Determination Issued (original) |
| 20 June 2019 | Proposal update reported to Cumberland Extraordinary Local Planning Panel Meeting |
| 3 July 2019 | Council meeting resolved to exhibit proposal |
| 17 July'19 – 18 August'19 | Proposal exhibited |
| 16 July 2019 | Extended Gateway issued to extend timeline and exhibit proposal |
| 4 September'19 | Council meeting resolves to forward the proposal for finalisation to Department for plan making and gazettal |

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# 1 Introduction

## 1.1 Executive Summary

This updated and exhibited planning proposal contains an explanation of the intended effect and justification for a proposed amendment to the *Auburn Local Environmental Plan 2010.* The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and the relevant Department of Planning, Industry and Environment guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The proposal applies to land at 2 Percy Street, Auburn ('the site') consisting of 10 lots, which is located north east of the western railway line off Gelibolu Parade, and located near to the south eastern edge of the Auburn Town Centre.

The proposal was lodged by Architecture Design Studio Pty Ltd (ADS Pty Ltd) ('the proponent's consultant) on behalf of the landowner and proponent (Gallipoli Education Solutions Limited) for this proposal.

The planning proposal:

- Seeks to amend Schedule 1 of the *Auburn Local Environmental Plan 2010* to introduce 'educational establishment' as an additional permissible use;
- Does not propose any changes to the existing IN2 Light Industrial zoning but introduces 12m maximum height of buildings permissible under *Auburn LEP 2010* as resolved by Council (Note: the proposal was issued a Gateway Determination on this basis); and
- seeks to retain the existing FSR of 1:1 under *Auburn LEP 2010* (although initially FSR of 1.2:1 was sought, the applicant has agreed to maintain the existing FSR of 1:1).

The proposal seeks the introduction of an additional permitted use on site to provide for a new school of 650 students and 50 staff (private Islamic school, K-12). The proponent has indicated that the permissible additional use sought would occur within the existing 2 storey building via adaptive reuse with the inclusion of a staged development for the future.

This planning proposal is updated in light of the Department of Planning, Industry and Environment's Gateway Determination issued on 20 September 2018 which is at **Appendix 1** following formal exhibition of the proposal for Council's adoption.

The Gateway Determination requested that the proposal proceed with conditions and Council has now met the relevant Gateway Determination conditions that would need to be fulfilled prior and after public exhibition. On 16 July 2019, an updated Gateway Determination was further issued to extend the timeline for this proposal (**Refer Appendix 1**).

Council has further consulted the Planning Proposal and supporting documentation with Roads and Maritime Services (RMS) and Transport for NSW (TforNSW) in light of Council's draft Traffic and Access Study prepared by GHD which is currently being undertaken for the broader Gelibolu Precinct.

A Chronology of events providing a history of the planning proposal is further attached as additional information at **Appendix 2** of this report.

The Planning Proposal:

- supports the continued use of the existing office building which has occupied the site since the 1930s and can be used or be adapted for the proposed use despite the existing industrial zoning of the site;
- is for a site where it's current industrial use is 'orphaned', isolated from other industrial uses, and close to a centre;
- The proposed educational institution is close to a centre and rail station and will contribute to employment by providing around 50 jobs in proximity to a centre;
- is generally consistent with the NSW State Government strategic planning framework; and
- is generally consistent with the former *Auburn Employment Lands Strategy* (Dec 2015) and the *Cumberland Employment and Innovation Lands Strategy (2019).*

## 1.2 Background

**Updated proposal**

The planning proposal is updated in light of the Department of Planning, Industry and Environment's Gateway Determination conditions issued on 20 February 2018 and following the proposal's exhibition to report the matter for Council's adoption.

This updated planning proposal does not seek to amend or revise the (originally proposed 1:1 FSR and 12m maximum building height proposed for the site (as resolved by Council) where a Gateway Determination has already issued. A revised Gateway Determination was issued on 16 July 2019 to extend the LEP timeline and exhibit proposal.

**Original proposal**

On 19 May 2017, a planning proposal request ('the proposal') was lodged with Council for 2 Percy Street, Auburn (consisting of 10 lots) by the proponent's consultants on behalf of Gallipoli Education Solutions Limited. The proposal was seeking to amend Schedule 1 of the *Auburn Local Environmental Plan 2010* to introduce 'educational establishment' as an additional permissible use.

The proposal did not seek to amend the existing IN2 Light Industrial zoning or the maximum height of buildings for the original proposal lodged.

The proposal sought to retain the existing FSR of 1:1 under *Auburn LEP 2010* (although initially an FSR of 1.2:1 was sought). The proposal intends to provide for a school of 650 students and 50 staff.

This planning proposal was prepared following consideration by the Cumberland Independent Hearing and Assessment Panel (IHAP) and a Council resolution 6 Sept 2017 [Item 154/17] to proceed with the planning proposal request assessment subject to the proponent submitting additional information:

> *"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 12m 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 sub delegate this matter".*

The meeting reports and minutes are included at **Appendix 3** of this report, and Council's planning proposal request assessment as attached to the Council report is included in **Appendix 4** of this report. Details of the report to the Cumberland IHAP [Item C029/17] and their recommendation are contained at **Appendix 5.**

The site has been used for various industrial purposes since the 1930s and was formerly used by the Master Plumbers and Contractors Association of NSW.

The proposal is currently supported by the following documentation:

- Design statement and proposed school program (**Appendix 6**) by Architecture Design Studio (ADS) (May 2017);
- Proposed revised masterplan, concept plans and artist impressions (**Appendix 7**) by Architecture Studio Pty Ltd (May 2017);
- Design statement for open space/play space (**Appendix 8**) by PMDL (Sept 2017)
- View line Review by PMDL (**Appendix 9**) (October 2017);
- Revised Transport Impact Assessment (TIA) by GTA (**Appendix 10**) (revised June 2019 and October 2017);
- Detail Site Investigation Report by Australian Geotechnical (May 2017) (**Appendix 11**);
- Revised Flood Impact Assessment by Northrop (Oct 2017) (**Appendix 12**); and
- Revised Letter of Offer by proponent dated 20 November 2017 (**Appendix 13**).

The additional information submitted is further discussed in section 1.3 of this report.

An assessment of the planning proposal can be found at section 4.0 of this report.

## 1.3 Additional information

Council provided preliminary and post-lodgement assessment comments to the proponent on the proposal request through letters dated 15 May and 5 June 2017 (refer to **Appendices 16 and 17**).

On 18 October 2017, the proponent submitted the following additional information to address Council's resolution (a to j) of 6 September 2017:

- Cover letter submitted by TPG to support additional information (23 November 2017) (**Appendix 14**)
- Revised Flood Impact Assessment by Northrop (18 October 2017)
- Design Statement for play/open space by PMDL (20 Sept 2017)
- Revised Transport Impact Assessment (Oct 2017) taking to consideration FSR increases proposed by already notified *Auburn LEP 2010 (Amendment No.8)*
- View Line Review by PMDL (Oct 2017); and
- Revised Letter of Offer to Council to enter into a Voluntary Planning Agreement (20 November 2017)
- Preliminary Site Investigation Report (Argus 2014)

A copy of Council's review comments to the proponent is at **Appendix 15.**

Some of the key concerns, issues and requirements raised by Council in response to the additional information submitted included:

- that active open space requirements proposed for the proposed use and the student population would need to be considered primarily on-site rather relying on Wyatt Park (noting that Wyatt Park is a heavily used District Park and that no discussion with Council regarding the possibility of its occasional use for students of any future school have been undertaken);
- Council strongly recommends that further additional traffic modelling be undertaken prior to the planning proposal being exhibited post-gateway, given the issues raised with the traffic modelling submitted with the request, and the significant vehicular constraints of the Gelibolu Precinct within which the site lies;
- that the proponent would need to address flood risk management requirements as per Council's Stormwater Drainage Part of *Auburn Development Control Plan 2010 (Auburn DCP 2010)* at the Development Application stage, should the proposal proceed, due to the site's proposed used as an educational establishment and its current flood affectation;
- that the proponent would need to provide a detailed letter of offer to enter into a voluntary planning agreement prior to Gateway; and
- that the proponent would also need to consider the outcomes of the traffic and access and view line analysis studies currently being carried out for the broader Gelibolu Precinct by Council prior to post-gateway exhibition should the proposal proceed to that stage; and that this work would need to inform the planning agreement negotiations.

Following Gateway Determination, Council further consulted the proposal and supporting documentation with Roads and Maritime Services and Transport for NSW (to fulfil conditions) given that a broader traffic and access study is being undertaken in consultation with the above authorities.

In light of this, the following planning proposal documentation was revised and resubmitted:

- The existing Traffic Impact Assessment (July 2017) prepared by GTA was revised to remove the proposed Church Street link, associated analysis (if any) and include transport comments received from Transport for NSW and RMS. This revised report is at **Appendix 10**; and
- The originally submitted Preliminary Site Investigation report (by Argus) which was provided to Council was further revised and updated to meet Gateway Condition 1(b) requirements (**refer to Appendix 11**).

## 1.4 Other precinct studies

Council is currently undertaking the following precinct studies for the broader Gelibolu Precinct with the inclusion of 2 Percy Street, Auburn and these studies inform Council's *Auburn and Lidcombe Town Planning Controls Strategy*.

- *View line and building height analysis* (September 2018) by Conybeare Morrison International. This study informs the key view lines to protect the iconic Gallipoli mosque, proposed building heights, FSRs and setbacks to protect the significant key view lines as identified.

- *Draft Traffic and Access Study* (August 2018) by GHD – Council is currently finalising this draft study in consultation with Roads and Maritime Services to be consistent with the Gateway Determination conditions 1(d) and 1(e).

RMS has further confirmed that the Gelibolu precinct study is unlikely to identify any site specific land acquisitions or any site improvements for the 2 Percy Street Planning Proposal.

# 2 Existing situation

## 2.1 Land to which the proposal applies

The Planning Proposal Request applies to a medium sized industrial zoned land which is located north east of the western railway line off Gelibolu Parade, Auburn.


**Figure 1 -** Aerial view of the site and immediate surrounds

Figure 1 shows the subject site is currently surrounded predominantly by an existing low density residential area from the north, a vacant site (currently approved for a residential aged care facility) to the west, the western railway line, and Wyatt Park from the east.

The site includes the following ten (10) lots as shown in Figure 2:

| | |
|---|---|
| • Pt Lot 14 Sec 1 DP 2647;<br>• Lot 15 Sec 1 DP 2647; | • Lot 19 Sec 1 DP 2647;<br>• Lot 20 Sec 1 DP 2647; |

| | |
|---|---|
| • Lot 16 Sec 1 DP 2647;<br>• Lot 17 Sec 1 DP 2647;<br>• Lot 18 Sec 1 DP 2647; | • Lot 21 Sec 1 DP 2647;<br>• Lot 1 DP 721683; and<br>• Lot 1 DP 76735. |


**Figure 2** – Site showing the cadastre and allotments

## 2.2 Site description

The site has the following characteristics:

- Is approximately 7,300m$^2$ (0.73 hectares) in area;
- Is a corner and an irregular shaped site;
- Is bound by Percy Street, Gelibolu Parade, St Hillier's Road and a part laneway that buffers the adjoining residential area;
- Is currently occupied by a large two storey warehouse and an administration building with on-site car parking;
- Is located approximately 14-15 metre distance from the Sydney western railway line which is located approximately 2-2.5 metres above the existing road level of Gelibolu Parade.

## 2.3 Local context

Figure 3 overleaf shows the site outlined in yellow with its broader context, including the nearest bus stops and on road bicycle routes.


**Figure 3** – Aerial view of the site and its broader context

The site is currently located within Auburn Town Centre, and is located approximately 700 metres walking distance from Auburn Railway Station (12-15 minutes). The site is further serviced by existing public bus transport services that could be accessed via from the Auburn Town Centre within 850- 900m walking distance of the site.

The iconic Auburn Gallipoli Mosque and an approved three storey residential aged care facility (DA 189/15) that is being constructed, are located approximately 100-150 metres west of the site, and immediately west of the site respectively.

Wyatt Park, a large district level public open space is located to immediately to the east of the site. This park (managed by Council) includes a large athletic field, PCYC Auburn, netball and basketball courts, Lidcombe oval and swimming pool. These facilities are used extensively by many sporting organisations and the wider Cumberland community

A Plan of Management for Wyatt Park has been prepared by Consultants engaged by Council to further enhance and upgrade the park's facilities and to meet current and future recreational needs of the Cumberland community.

The site's northern and north western ends are predominantly characterised by a mix of older styled (1960s, 1970s, 1980s) housing with a few renovated houses.

The site further forms part of 'Precinct 1- Queen Street' as identified under the *Auburn Employment Lands Strategy (June 2008),* and adjoins 'Precinct 22' as identified under Council's *draft Auburn and Lidcombe Town Centre Strategy* (April 2017) which is further discussed in section 4.3.2.

The site's surrounding land uses are predominantly characterised by R2 Low Density Residential uses which include single and two storey detached dwellings, a proposed three

storey residential aged care facility which is being constructed, religious and community facilities that support the Auburn Gallipoli Mosque, and sports and recreational uses within Wyatt Park.

General Industrial Business Park and high density residential uses (residential flat buildings) are further located along Kerr Parade, Marion Street, and Queen Street far south of the site beyond the western railway line.

The site is excluded from the *Parramatta Road Urban Transformation Strategy (Nov 2016).*

## 2.4 Existing development and land uses

The site's existing building has predominantly functioned as a warehouse/factory since 1970s and has changed uses over the years through the lodgement of various Development Applications (DA) for the site. A historical review of uses approved for the site is included in **Appendix 20** of this report.

The 'Detailed Site Investigation' report prepared by Australian Geo Technical (May 2017) which is at **Appendix 11** of the report, indicate the site was under ownership of the railway and was used by various owners and for different industrial uses since 1930s.

The site has on-site car parking with vehicular entry/exit access points from St Hillers Road, and Gelibolu Parade, Auburn (refer to Figures 4, 5, 6 and 7 below).

**Figure 4** - View of existing building from Percy St

**Figure 5 –** Main entrance to existing building (from Percy St)

**Figure 6 –** Existing two storey building from Gelibolu Parade

**Figure 7 –** View of laneway (from St Hillers Rd) separating the proposed site with the adjoining residential area

Figures 8 and 9 illustrate the existing surrounding land uses and development.

**Figure 8**- Surrounding Mosque views from Gelibolu Parade and the residential aged care facility being built
**Figure 9** - Views from St Hillers Road showing the existing low density residential area

Although there are no known site constraints such as native vegetation issues or contamination, the site is affected by acid sulphate soils, surrounding environmental heritage and partial flooding.

## 2.5 Existing Planning Controls

### 2.5.1 Auburn LEP 2010 zoning

Figure 10 overleaf shows the site is zoned IN2 Light Industrial under the *Auburn LEP 2010.*

Land surrounding the site is predominantly zoned R2 Low Density Residential and RE1 Public Recreation.

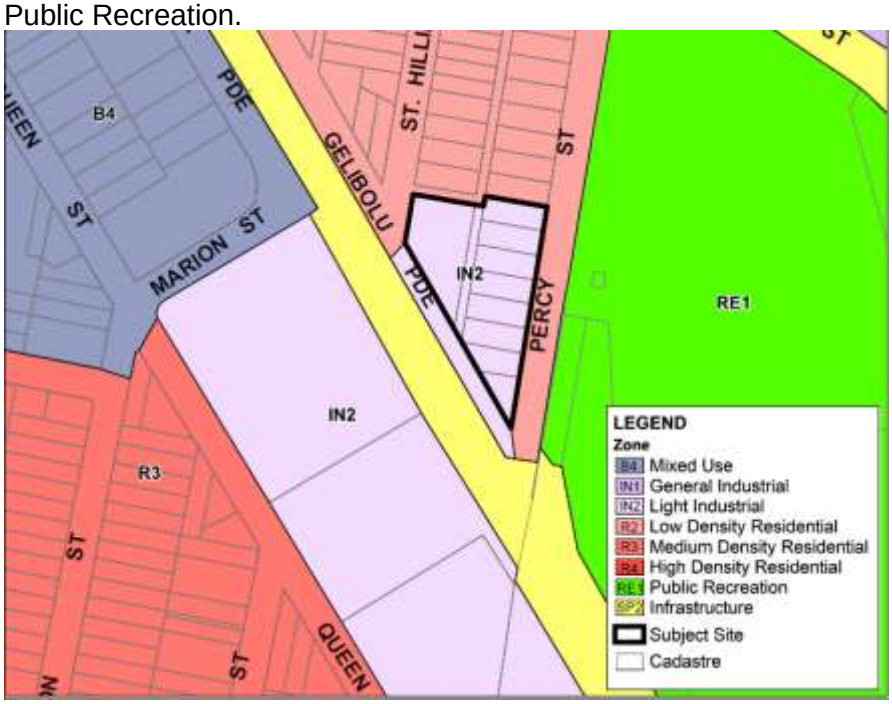


**Figure 10 -** *Auburn LEP 2010* – Extract from Land Zoning Map (site outlined in Black)

The IN2 Light Industrial zone's key objectives are:

“

*To provide a wide range of light industrial, warehouse and related land uses;*
*To encourage employment opportunities and to support the viability of centres;*
*To minimise any adverse effect of industry on other land uses;*
*To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area;*
*To support and protect industrial land for industrial uses; and*
*To minimise adverse effects on the natural environment”.*

The land uses permissible within the IN2 light industrial zone include:

*“Building identification signs; Business identification signs; Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Plant nurseries; Markets; Neighbourhood shops; Places of public worship; Restaurants or cafes; Roads; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4”.*

Generally, the IN2 light industrial zone permits a range of industrial uses such as light industries, industrial training facilities, warehouse or distribution centres and other non-industrial uses such as business premises, places of public worship with a few retail type uses. Currently, educational establishments, retail premises and office premises are prohibited within the IN2 Light Industrial zone.

However, the subject site’s surrounding R2 Low Density Residential zone permits educational establishments as a permissible use within the zone.

***Auburn LEP 2010* definition for an ‘educational establishment’**

An ‘educational establishment’ is currently defined under *Auburn LEP 2010* as follows:

“*educational establishment means a building or place used for education (including teaching), being:*

*(a) a school, or*
(b) *a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act*”.

The *Auburn LEP 2010* defines a ‘school’ as follows:

*“School means a government school or non- government school within the meaning of the Education Act 1990. Note schools are a type of educational establishment”.*

## 2.5.2 Former Auburn LEP zoning

The site was formerly zoned 4(b) Light Industrial under the now repealed *Auburn Local Environmental Plan 2000*.

## 2.5.3 Principal Development Standards

**Table 1** below summarises the *Auburn LEP 2010* principal development standards that currently apply to the site including part of Gelibolu Parade:

| ***Auburn LEP 2010*** **zoning** | **Maximum Height of Buildings (HoB)** | **Floor Space Ratio (FSR)** | **Minimum Subdivision Lot Size** |
|---|---|---|---|
| IN2 Light Industrial zone | Nil. | 1:1 | 1500 $m^2$ |

**Table 1** - Summary of existing *Auburn LEP 2010* controls applying to the site

Figure 11 shows an extract from the *Auburn LEP 2010* Height of Buildings map as applied to the site. Currently, there is no height limit for the site.

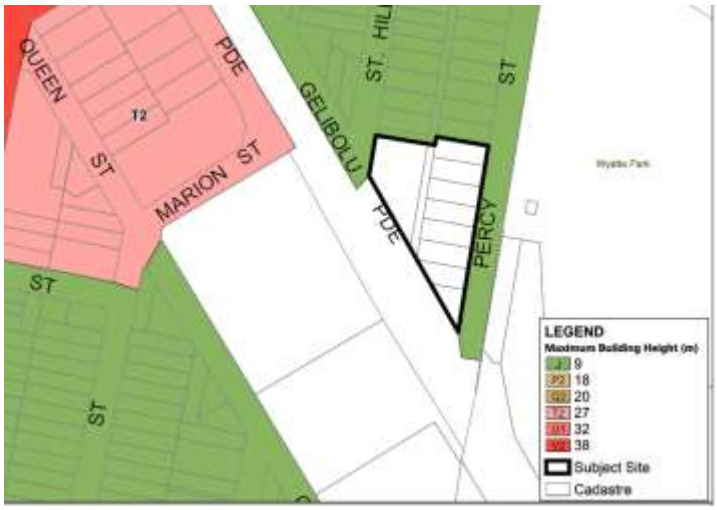


**Figure 11 -** *Auburn LEP 2010* – Extract from Height of Buildings Map (site outlined in Black)

Figure 12 below shows an extract from the *Auburn LEP 2010* FSR map as applied to the site which shows an FSR of 1:1.

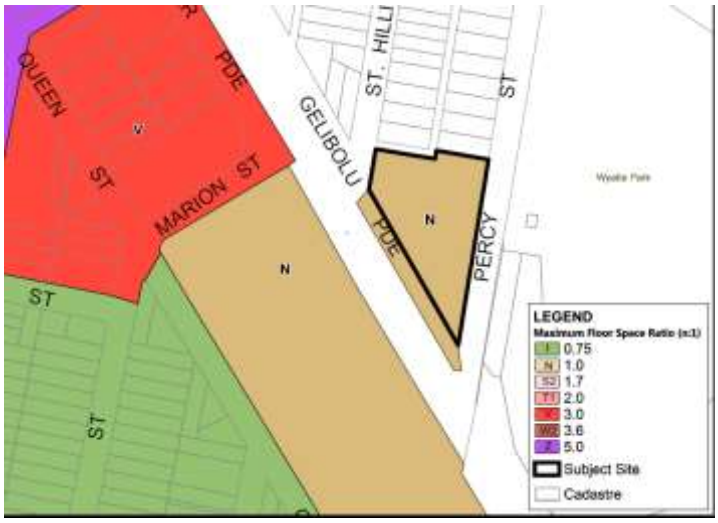


**Figure 12 -** *Auburn LEP 2010* - Extract from Maximum Floor Space Ratio map (site outlined in black)

Currently, a minimum subdivision lot size of 1500m$^2$ applies to the site (see Figure 13 below).


**Figure 13** - *Auburn LEP 2010* – Extract from Standard Minimum Lot size map (site outlined in black)

## 2.5.4 Flood Planning

As shown in Figure 14 below, the site is partially affected by flooding under the *Auburn LEP 2010* flood planning map below.

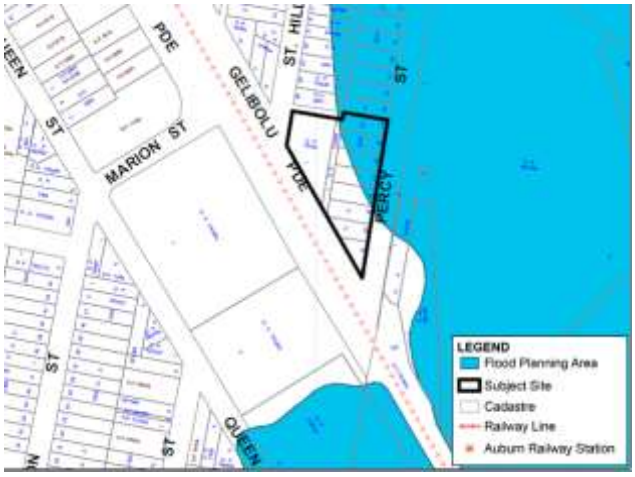


**Figure 14** - *Auburn LEP 2010* – Extract from Flood Planning (site outlined in black)

Though the site is already developed, the proposal has an effect in relation to flooding because the proposal proposes an 'educational establishment' as an additional permissible use on site using the existing building.

Currently, Educational Establishments (schools) are considered as an 'essential community facility' under Table 6, Section 6.0 of the Stormwater Drainage Part of the *Auburn*

*Development Control Plan 2010 (Auburn DCP 2010*), and is considered an 'unsuitable land use' to be located within a low, medium or high flood risk precinct.

Following a review of the proposal, Council's engineers provided preliminary and post lodgement comments on the proposal on 15 May and 5 June 2017 (refer to **Appendices 16 and 17**).

Council Engineer's consider that the information is essential for the assessment of the proposal at development Application stage, should the proposal proceed.

### 2.5.5 Acid Sulphate Soils

The site is shown as having Class 5 Acid Sulphate Soils under the *Auburn LEP 2010* Acid Sulphate Soils Map in Figure 15 below, and is considered the least affected category for development purposes.

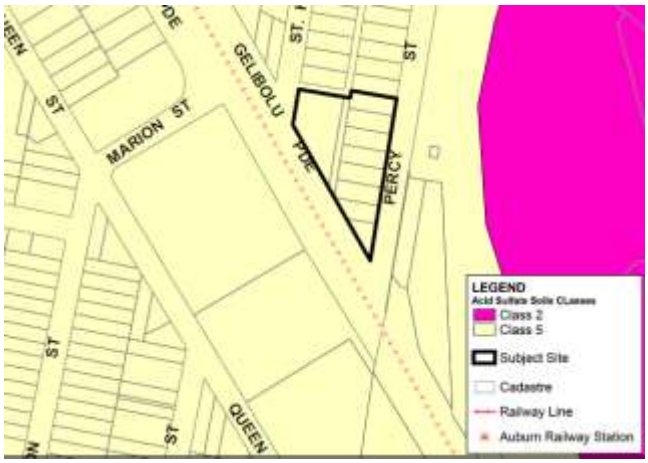


**Figure 15** - *Auburn LEP 2010* – Extract from Acid Sulphate Soils Map (site outlined in black)

However, since the site has been already developed, and the proposed use within the existing building as illustrated by the revised concept layout plans (refer to **Appendix 7**), the proposal has no effect on acid sulphate soils.

Should the proponent decide to demolish the existing building to propose a new educational establishment on site or include a major addition to the existing building and lodge a Development Application (DA) or complying development, then the proponent would be required to fulfil Clause 6.1 Acid Sulphate Soils requirements of *Auburn LEP 2010*.

## 2.5.6 ALEP 2010 Heritage

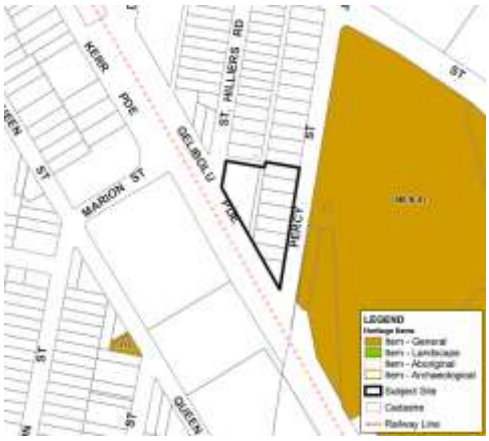


**Figure 16** - *Auburn LEP 2010* – Extract from Heritage
(site outlined in black)

Figure 16 shows an extract of the *Auburn LEP 2010* Heritage Map as applied to the site. This map shows two heritage items located east of the site ('I40' and 'I41') which are currently listed under *Schedule 5 – Environmental Heritage* of the *Auburn LEP 2010* (p.66).

The item that is most relevant for this proposal is heritage item 'I40' which includes Wyatt Park, Haslams Creek, Lidcombe Pool and Oval, and the Stormwater Drain. It is also in the vicinity of Auburn Gallipoli Mosque, which is being investigated for its potential heritage significance.

However, since the site has already been developed, and the proposed additional use is proposed within the existing building as shown by the proposed revised concept plans, the proposal has no effect. Given the items included within the heritage items are located reasonably away from the proposed site it is anticipated that the proposed use or existing building is unlikely to create an impact on its heritage significant surrounds within Wyatt Park.

However, should the proponent decide to demolish the existing building and propose a new educational establishment on site or include a major addition to the existing building and lodge a Development Application (DA), then the proponent would be required to fulfil requirements of Clause 5.10 Heritage Conservation of the *Auburn LEP 2010*.

## 2.5.7 Auburn DCP 2010 controls

The site is currently zoned IN2 Light Industrial, and the Industrial Part of Council's *Auburn DCP 2010* applies.

Since the site is affected by partial flooding, the Stormwater Drainage Part of Council's *Auburn DCP 2010* applies.

Should the proposal proceed to DA stage, the parking requirements of *Auburn DCP 2010* would also apply.

# 3 Description of the Proposal

## 3.1 Proposed Planning Controls

The planning proposal seeks to amend the *Auburn LEP 2010* to introduce an 'educational establishment' on site as an additional permissible use, and introduce a 12 metre Maximum Height of Buildings (HOB) as per Council's resolution of 6 September 2017.

This would be achieved by an inclusion of a written LEP clause under *Schedule 1 of the Auburn LEP 2010* and by an inclusion of an Additional Permissible Use (APU) map applying to the site. The proposal also amends the site's existing Maximum Height of Buildings Map from no building height to 12m maximum building height (as resolved by Council).

The proposal does not amend the existing *Auburn LEP 2010* Land zoning (LZN), Floor Space Ratio (FSR) and Lot Size (LZM) maps.

Note: Though the proponent initially sought an FSR of 1.2:1 for the proposal, the proponent has agreed to retain the existing 1:1 FSR (Refer to Proponent's response to Council on 3 July 2017 at **Appendix 18**). Council's meeting of 3 July 2019 also confirms this.

# 4 Assessment of the Proposal

The assessment of this proposal generally follows the assessment criteria for planning proposals set out in the Department of Planning, Industry and Environment and Environment's *A Guide to Preparing Planning Proposals* including:

- objectives or intended outcomes;
- explanation of provisions;
- justification;
- need for the planning proposal;
- relationship to strategic framework;
- environmental, social and economic impact, and
- State and Commonwealth interests

## 4.1 Objectives and Explanation of provisions

The planning proposal intends to:

a) promote the orderly redevelopment of an existing orphaned low rise industrial zoned site located within the Auburn Town Centre to a more intensive use without having to rezone the existing industrial zoned site;

b) promote and encourage the delivery of an infill/new school as an alternative use within a key town centre location that has reasonable access to transport, community facilities, services and is expected to experience significant growth to meet changing needs of the community; and

c) enable opportunity to provide 50 or more local jobs.

***Auburn LEP 2010***

The proposal seeks to introduce an 'educational establishment' on site as an additional permissible use and amend the *Auburn LEP 2010* as discussed in section 3.1 of the report. Relevant LEP maps would be introduced to indicate where the proposed additional use would be applied along with an amended Height of Buildings (HOB) map to show the revised maximum building height of 12 metres for the site.

## 4.2 Justification

### 4.2.1 Section A – Need for the planning proposal

***Q1 Is the planning proposal a result of any strategic study or report?***

The proposal is not a result of any strategic study or report. However, the proposal reflects a Council resolution made at the meeting of 6 September 2017 (Item 154/17) to support 'educational establishments' as an additional permissible use for the site.

The proposal is supported by the New South Wales state and local strategic planning framework as mentioned in section 4.3.2.

Importantly, it is noted that Cumberland Council is currently undertaking a traffic study for the Gelibolu Precinct (within which the site lies) which includes microsimulation, as well as a view line analysis which seeks to identify views of the iconic Gallipoli Mosque, both of which will be used to guide future planning for the precinct. Council completed the view line analysis study in September 2018, and the draft Gelibolu traffic and access study is currently being progressed in consultation with referral comments obtained from Roads and Maritime Services. RMS's referral comments are important considerations in the assessment of this planning proposal.

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

Yes.

Two options were considered by the proponent and Council to proceed with the proposal as discussed below. The two options are discussed in detail in Table 2 below and overleaf providing Council's assessment:

| Option | Options to proceed with the Proposal | Applicant's response | Council officer assessment |
|---|---|---|---|
| 1 | Introduce an 'educational establishment' for the site (zoned IN1 Light Industrial) as an additional permissible use to amend Schedule 1 of the *Auburn LEP 2010;* and amend existing FSR from 1:1 to 1.2:1 (as originally sought but proponent has agreed to retain as 1:1) | Considers this as the most appropriate planning outcome which is efficient and timely to proceed with.<br><br>Considers the site as a most suitable location for a school to be developed as it responds to local need for a school identified by the proponent and under Direction 1.10 of Plan for Growing Sydney in a locality that will benefit from the synergies with the nearby Auburn Gallipoli Mosque and Gelibolu Home Aged Care Facility. | Council officers support the proponent's view and consider this option as a better short term planning option than option 2 to proceed with the proposal due to reasons below:<br>• Retains the existing IN2 Light Industrial zoning;<br>• retains the existing FSR of 1:1;<br>• Is generally consistent with *Auburn LEP 2010's* objectives for IN2 Light Industrial zoning;<br>• The existing site is developed with a large warehouse and a two storey administration building that can be adapted for reuse;<br>• The proposed additional use adds more flexibility for the site's uses within an IN2 light industrial;<br>• Is consistent with the recommendations of the *Auburn Employment Lands Strategy 2015* (refer to section 4.3.2)<br>• Unlikely to create any major environmental, social and economic impacts as a result of the proposal. |
| 2 | Rezone the existing site's zoning to SP2 | Considers that "the SP2 use would | This option is not considered supportable due to reasons below: |

| | | | |
|---|---|---|---|
| | Infrastructure (Educational Establishment) | unnecessarily limit the use of the site to only educational establishment uses (p.14)". | • Limits the site's existing permissible land uses without purpose and extensively.<br>• Is not flexible with regards to land uses provision considering the site's historical nature of different uses.<br>• SP2 Infrastructure zone prohibits 'educational establishments' under *Auburn LEP 2010*. |

**Table 2** – Council's assessment of planning options

Option 1 was considered to be the most effective way of achieving the key objectives and intended outcomes of this proposal in keeping with the orderly redevelopment of the existing orphaned industrial zoned site to a more intensified use without having to rezone the existing industrial site.

The proposal's proposed additional use will also act as an 'alternative additional use' for the site that promotes the delivery of low rise urban infill/new K-12 school which is located within a key town centre location that has reasonable access to transport, community facilities and is expected to experience significant population growth with changing needs of the community. Cumberland Council is also a recently merged Council that is experiencing significant population growth and includes predominantly a young population.

The proposal also enables the provision of more local jobs thus contributing to the economic growth of the Auburn Town Centre and promotes educational and religious needs of the existing Muslim community and a new school for the younger population.

Apart from planning options 1 and 2, the NSW government has invested over $6 billion worth of funding over the next 4 years to deliver new schools and upgrade existing schools considering population growth demands within the state. Therefore, the site's proposed additional use is likely to further fulfil and facilitate this outcome.

This addresses Gateway condition 1(a) requirements issued for the proposal.

Option 1 is therefore considered to be the most effective option in this instance.

### 4.2.2 Section B – Relationship to strategic framework

***Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?***

The proposal is consistent with the relevant strategic directions, actions and provisions of the following strategic planning strategies:

- *Greater Sydney Regional Plan - A Metropolis of Three Cities; and*
- *Central City District Plan* (CCDP).

A full checklist analysis of the proposal's consistency with these strategies is provided at **Appendix 19** of the report.

***Greater Sydney Regional Plan - A Metropolis of Three Cities***

The Greater Sydney Commission's '*Greater Sydney Regional Plan'* is the current overarching NSW strategic plan/strategy for guiding growth and development in Sydney for the next 40 years. The plan is at draft stage currently and is not yet adopted. The proposal is not inconsistent with this draft plan.

***Central City District Plan***

The Greater Sydney Commission's *Central City District Plan (CCDP)* provides detailed district planning and implementation Strategy to support the *'Greater Sydney Regional Plan'*. It is considered that the main current district plan applying to Cumberland Council area.

The Proposal's consistency with the plan is provided at **Appendix 21** of this report.

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

The proposal is consistent, or has justifiable inconsistencies, with the relevant actions and provisions of the following strategic planning studies, plans and strategies:

- *Draft Auburn and Lidcombe Town Centre Strategy*
- *Cumberland Employment and Innovation Lands Strategy (2019)*
- *Draft Auburn Employment Lands Strategy (Dec 2015)*
- *Draft Auburn LGA Traffic and Transport Study (Sept 2013)*
- *Cumberland Community Strategic Plan 2017 – 2027*

***A. Draft Auburn and Lidcombe Town Centre Strategy (Dec 2016)***

The *Draft Auburn and Lidcombe Town Centre Strategy* (the strategy) was prepared to rectify the disconnect between the existing heights and FSRs for these centres, and to achieve better built form outcomes.

The draft strategy's precincts 21, 22 and part of 16 (the Gelibolu Precinct) are currently under assessment. Council is currently finalising the Gelibolu precinct's traffic and access study while the view line and a building height analysis for the precinct with the inclusion of the proposal site around the iconic Gallipoli Mosque is shown in Figure 20, which will inform the above precincts.

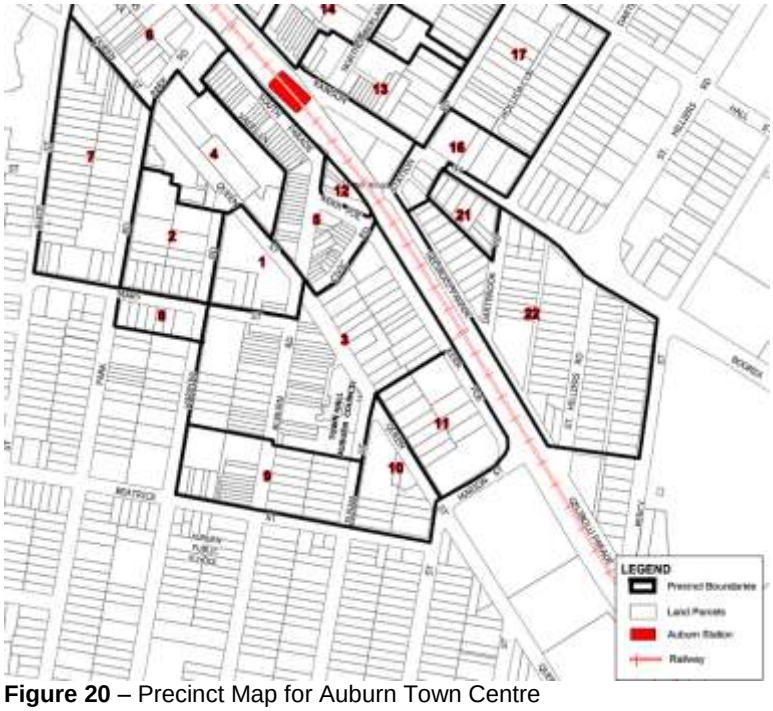


**Figure 20** – Precinct Map for Auburn Town Centre
(Source: Council records, July 2017)

These two studies will inform the *Auburn and Lidcombe draft Town Centre's precincts* including their land use planning, include traffic, access and transport issues, and protection of view lines and sightlines, the zoning, FSR and building height for the entire Gelibolu Precinct.

### *B. Cumberland Employment Lands and Innovation Strategy (Cumberland ELS 2019)*

The adopted *Cumberland Employment Lands and Innovation Strategy* identifies the subject site as an 'other industrial area' (p.17) which sits outside the key identified employment precincts within Cumberland area.

### *C. Auburn Employment Lands Strategy (Dec 2015) (Auburn ELS 2015)*

The *Auburn Employment Lands Strategy* (Dec 2015) was prepared by the AEC Group for the former Auburn City Council.

The following study points are considered as relevant to this proposal:

- The *Auburn ELS (2015)* identifies the subject site as 'Category 3 - lands that could be investigated for alternative uses' (p.15). The former Cumberland industries were located on this site. The site is further considered as an 'isolated' industrial land parcel located east of Gelibolu Parade.

- The *Auburn ELS (2015)* further identifies the land is located within Precinct 1 – Queen Street (p.101), a small sized strategic employment lands precinct having local significance with an approximate area of 6 hectares.

- The southern part of 'Precinct 1- Queen Street' (south of the railway) located along Kerr Parade and Queen Street is currently zoned IN2 Light Industrial. However, part of this site (facing Kerr Parade) is likely to be rezoned for high density residential uses (Queen

Street Planning Proposal) while the other part will remain and continue existing light industrial business park uses.

- The *Auburn ELS (2015)* in section 9.0 states the following guiding principle:

> *"Overall it is recommended that Council support businesses located in fragmented and orphaned industrial sites. Maintain those isolated precincts which are performing a functional employment role for as long as they are required by business in-situ. Institute flexible planning controls to support businesses so as not to precipitate their relocation. In the long term investigate alternative land uses, as those fragmented precincts that abut residential will conceivably struggle to attract new occupiers, particularly when the current occupiers vacate (p.64)".*

In light of the above, this proposal to amend the *Auburn LEP 2010* is consistent with the *Auburn ELS Study 2015's* recommendations above as:

- There would be no loss of locally significant 'Category 3 - Employment Lands' within the 'Precinct 1 – Queen Street' because the proposal does not propose to change or modify the existing zoning of the site;

- There would be no significant impact on the existing character of Auburn's employment lands or Auburn Town Centre.

### *D. Draft Auburn LGA Traffic and Transport Study (2013)*

Council's *Draft Auburn LGA Traffic and Transport Study (2013)* (draft Traffic study) was prepared by Hyder Consulting Pty Ltd for Council, and modelled a number of key intersections across the Auburn LGA. The draft traffic study identified poor Levels of Service (LoS) (i.e. long delays) at a number of intersections, and made recommendations about future intersection improvements within (the then) Auburn city.

The St Hilliers/Rawson Street intersection (classified as state/regional roads) is located within approximately 50 metres of the site, and is a key intersection that provides access to the surrounding residential area to which the site is located to and from St Hillers and Rawson Street. The draft Traffic study identifies the following network issues for this intersection (p.149):

"

- *Intersection is currently operating at near capacity (LoS D) during PM peak*.
- *Major traffic was observed on east – north movement between Rawson Street and St Hilliers Road (3000 to 3200 vehi/hr);*
- *Model shows that eastbound traffic on Rawson Road is experiencing queues and delays during AM peak (LoS F); and*
- *Left turn slip lane from Rawson Street on to St Hillers Road is currently un-signalised."*

The draft study in p.164 recommends the above intersection to be prioritised for an upgrade in consultation with Roads and Maritime Services (RMS) in the medium term.

At the time the RMS response to Council's discussions about potential future intersection upgrades indicated there is no certainty about the timing of an upgrade for this intersection.

Notwithstanding the above, Council is currently pursuing the matter with RMS at a higher level to obtain a suitable outcome and discuss funding options for Council to proceed with Council's draft Traffic and Transport study recommendations.

However, given that significant traffic and transport impacts are anticipated from this proposal, the proponent has submitted a letter of offer to Council (refer to **Appendix 13**) providing consent to undertake any required future intersection improvements, upgrades as required for this proposal and enter into a voluntary planning agreement with Council.

### *E. Cumberland Community Strategic Plan*

The *Cumberland Community Strategic Plan 2017- 2027* was adopted by Cumberland Council in 2017.

The objectives and intended outcomes of the planning proposal request support the Community Strategic Plan by enabling increased opportunities to create employment and include greater flexibility of uses for existing employment lands located within and around the established local centres which are reasonably well serviced by public infrastructure and transport.

The planning proposal is not inconsistent with this plan.

### *Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?*

State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (deemed SEPPs) deal with issues significant to the state of New South Wales. The Proposal is consistent with the applicable SEPPs and deemed SEPPs including:

- *SEPP Infrastructure (2007)*
- *SEPP 55 – Remediation of Land*

The planning proposal application is consistent with the applicable SEPPs and deemed SEPPs. Consistency of any future development proposals with SEPPs and deemed SEPPs would be determined at the development application/assessment stage.

A full checklist analysis of the proposal's consistency with these SEPPs is provided at **Appendix 21**.

### *Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117)*

Section 117 directions are directions to Councils from the Minister for Planning and Environment that need to be considered or given effect to in the preparation of draft LEPs.

The proposal is consistent with the s.117 directions including:

- Direction 1.1 - Business and Industrial zones;
- Direction 2.3 - Heritage Conservation
- Direction 3.4 - Integrating land use and transport;
- Direction 4.1 - Acid Sulphate Soils;
- Direction 4.3 - Flood Prone Land;
- Direction 5.10 - Implementation of Regional Plans

- Direction 6.3 - Site Specific Provisions; and
- Direction 7.1 - Implementation of *A Plan for Growing Sydney*.

A full checklist outlining the consistency of the application with the s.117 directions is at **Appendix 21** of this report.

### 4.2.3 Section C – Environmental, social and economic impact

***Q7. Is there any likelihood that critical habitats or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No. The site to which the proposal applies is not located within a critical habitat or threatened species, populations and ecological communities and would not result in adverse impacts to such communities.

***Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

Yes.

**Traffic**
The proposed development on site is considered as a 'traffic generating development' under *SEPP (Infrastructure) 2007)*.

In reviewing the proponent's revised traffic modelling, Council staff have identified significant concerns regarding the potential traffic impact of the Planning Proposal Request, including:

- the short length of AM and PM Commuter peak times modelled (7.30 - 8.30am and 3.45pm - 4.45pm respectively), particularly given the Level of Service currently experienced by key intersections;

- lack of inclusion of traffic analysis relating to Friday Prayer times at the Auburn Gallipoli Mosque;

- likely impact of the planning proposal request on queuing times at key intersections (including Boorea St/ St Hillers Road/Rawson Street and Percy Street/Gelibolu Parade (AM and PM peak);

- absence of any proposed mitigation works to address intersection performance, for example potential intersection treatment and safety measures, including land dedication to improve the operation at the Percy Street /Gelibolu Parade intersection; and

- the 'potential FSR increase' referred to within the revised traffic impact assessment has been in place under *Auburn LEP 2010 (Amendment No.8*) for a number of years (post the Hyder 2013 Study). Thus the FSRs in the Auburn Town centre are now "actual" and should no longer be referred to as a "potential increase" in FSR.

Given this, Council referred the proponent's Traffic Impact Assessment reports (July and Oct 2017) and Council's draft Gelibolu Traffic and Access study (Aug 2018) to Transport for

NSW and Roads and Maritime Services for comment in September 2018 to fulfil Gateway Determination conditions 1(d) and 1(e).

RMS and Transport for NSW's referral comments to Council dated 4 December 2018 is at **Appendix 22.**

RMS also informed Council officers via email dated 23 May 2019 that the broader Gelibolu Precinct Traffic and Access study is unlikely to inform any land acquisitions or specific site improvements for the 2 Percy Street proposal and requested that the proponent remove the proposed Church Street link and associated analysis from the proponent's Traffic Impact Assessment report (July 2017) prior to the proposal's formal exhibition.

Following this, Council officers requested the proponent to revise their traffic impact assessment. Council also sought confirmation from Transport for NSW if they had any concerns prior to exhibiting the proposal.

Transport for NSW confirmed that they have no further issues to add to the RMS's response dated 4 December 2018 and requested that associated analysis relating to the proposed Church Street link would also need to be removed from the proponent's proposal and has no comment to raise in relation to the way- forward proposed by Council.

The revised Traffic Impact Assessment report (June 2019) at **Appendix 10** is unlikely to identify any site specific improvements or land acquisitions for this proposal which may require a voluntary planning agreement (Proponent's Letter of offer is at **Appendix 13**).

**Noise**

The proposal may need to consider any anticipated noise impacts generated as a result of the railway when considering the design of the proposed educational establishment. The proponent intends to mitigate the noise impacts via the design of the building and undertake any façade improvements at the DA stage in accordance with *SEPP (Infrastructure) 2007* requirements, and associated '*Development Near Rail Corridors and Busy Roads – Interim Guidelines*'.

**Flooding**

The proposal will need to consider any flooding impacts generated as a result since the site is partially affected by flooding. Since the proposed site is already developed it is not likely to result in an impact. However, given that an educational establishment is proposed on the site as an additional use the use is considered as an 'essential community facility' in accordance with section 6.0, Stormwater Drainage Part of Council's *Auburn DCP 2010*.

The proponent will need to revise the flood impact assessment dated 18 October 2017 (**Appendix 12**) to justify the inconsistency above should the proposal proceed to the DA stage (Refer to Council's comments provided at **Appendix 17**).

Other issues as a result of the proposal's visual impact to the public realm, scale and built form of the proposed development would be managed within the existing building's footprint. The site's interface with the existing residential area is buffered by a part laneway and is not anticipated that significant impacts are likely to occur.

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

Yes. Though a net community benefit assessment has not been undertaken, the proponent outlines the social/economic benefits to the wider Cumberland Community as a result of the proposal. The community benefits are outlined in the proponent's planning proposal at **Appendix 1** (p.40 and 41) of the report. The proposal is likely to create 50 or more jobs as a result of the proposed development and create further jobs during construction phase.

### 4.2.4 Section D – State and Commonwealth interests

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

Yes. The site is located in Percy Street which is currently served by existing roads and infrastructure services, utilities and public transport.

Since the proposed additional use 'educational establishment' is a more intensified use and is not an industrial use and it may result in some impacts on public infrastructure such as increased traffic volumes on immediate and surrounding local roads network, increased passenger trips on bus and light vehicles, contributing to traffic congestion during school peak hours at the intersection of St Hilliers Road, Rawson and Boorea Streets.

The scale and intensity of the additional permitted use and likely associated traffic generation also warrants further consideration (see previous comments on Traffic).

***Q11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination, and have they resulted in any variations to the planning proposal?***

Council has consulted the planning proposal and the draft Gelibolu traffic and access study with Roads and Maritime Services (RMS) and Transport for NSW prior to exhibition and to meet gateway condition requirements 1(d) and 1(e).

Refer to RMS referral comments dated 4 December 2018 at **Appendix 22**.

On 23 May 2019, RMS also confirmed that "Council may wish to seek an amendment to the Gateway determination (Condition 1(d), as **Roads and Maritime notes that the Gelibolu Study is unlikely to identify road upgrades that would have any direct impact or land dedication requirement for the 2 Percy Street site.**

Gateway Condition 1(e) would then also require amendment insofar as it relates to the Gelibolu traffic study, noting that that the **traffic study for this planning proposal may still need to be amended in consultation with TfNSW, prior to exhibition, to remove reference to a Church Street extension over Sydney Trains land which Roads and Maritime understands is not supported.**

Further, the **access arrangements to 2 Percy Street for bus access may need to be reconsidered to ensure bus turnaround areas are accommodated within the site or on the local road network to the satisfaction of Council and TfNSW**".

In light of this, Council requested the proponent to revise their Traffic Impact Assessment to reflect these provisions to address the following:

- Remove the proposed Church Street link and associated analysis if any;
- Address transport provisions as required addressed for SSD.

The proponent's revised Traffic Impact Assessment is at **Appendix 10**.

The proposed consultation with the required public authorities is discussed further in Community Consultation section of this report in section 6.0.

# 5 Mapping

An Additional Permitted Uses APU 003 map with the proposed educational establishment on site and a Height of Buildings (HOB) map (with an amended maximum building height of 12 metres) for the site as resolved by Council will be included when the proposal is submitted to the Department of Planning, Industry and Environment to make the plan.

# 6 Community Consultation

## 6.1 Pre-Gateway stage

The proposal was publically exhibited (pre-Gateway) for a period of 30 days from 1 June 2017 to 30 June 2017 in accordance with the adopted *Cumberland Council's Planning Proposal Notification Policy*.

The exhibition included:

- Notification of the public exhibition in the main local newspaper, the Auburn Review;
- Exhibition of proposal and all supporting documentation at Council's Administration Centre and at Auburn and Lidcombe libraries;
- Notification and exhibition of the proposal and all supporting documentation on a dedicated page (Have Your Say) on Cumberland Council's website,
- Notification by mail of the public exhibition to adjoining and nearby land owners shown in Figure 21 below.


**Figure 21** – Notification area

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, one submission objected while one submission did not make a reference to the proposal. These submissions included support from both local

and wider Sydney based community members and organisations. The submissions received briefly summarised are as follows in Table 4:

| Submission | No |
|---|---|
| Does not make a reference to this proposal | 1 |
| In support | 23 |
| Petition in support | 1 (2305 signatures) |
| Objection | 1 |
| Total | 26 |

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.

A table including submissions and their summarised content is included at **Appendix 17** of this report.

Council has consulted the proposal and the draft Gelibolu traffic and access study with Roads and Maritime Services (RMS) and Transport for NSW prior to exhibition. Refer to RMS referral comments at **Appendix 22**.

NSW Sydney Transport also submitted a submission objecting to the proposed Church Street link proposed by the proponent which is at **Appendix 23**.

Council consulted other relevant public authorities such as Department of Education, Department of Industry – Crown Lands, Water Division and Office of Environment and Heritage – Floodplain Divisions, as required by the Gateway Determination concurrently when the planning proposal was formally exhibited.

## 6.2 Post-Gateway stage

The proposal was publically exhibited (Post-Gateway) for a period of thirty three (33 days) from 17 July 2019 to 18 August 2018 in accordance with Gateway Determination condition requirements. This fulfils Gateway condition 2.

The exhibition included:

- Notification of the public exhibition in the main local newspaper, the Auburn Review of Tuesday 17 July 2019;

- Exhibition of proposal and all supporting documentation at Council's Administration Centres at Merrylands and Auburn and Auburn library;
- Notification and exhibition of the proposal and all supporting documentation on a dedicated page (Have Your Say) on Cumberland Council's website,
- Notification of affected and nearby owners and occupiers by mail as shown in Figure 21.

A total of Hundred and Sixty Five (165) online public submissions were received.

While Hundred and Sixty Three (163) online submissions received were in support, two submissions did not object nor support the proposal. These submissions included support from both local and wider Sydney based community members residing within and outside the Cumberland Council area from suburbs of Auburn, Lidcombe, Regents Park, Merrylands, Guilford West, Parramatta, Granville, Mascot, Eastlakes, Bossley Park, Greenacre, Potts Hill, Wiley Park, Eastlakes, Chester Hill, Parramatta, Bankstown, Yagoona, Condell Park, Sefton and Aarons Pass.

The submissions received are briefly summarised in Table 5 below:

| **Submissions** | **No** |
|---|---|
| Does not object or support | 2 |
| In support | 163 |
| Objection | Nil |
| **Total** | **165** |

The key reasons for support were:
- There is greater demand for a school of this nature considering the growing young population in the area and region;
- The relocation of the existing Maarif International Campus at Turella to the proposed site will reduce travel time for students, staff and parents significantly and provide children more time to engage in other activities;
- There is high demand for a school of this nature to be established in the area.

The table including public submissions, the summarised content and Council's responses are included at **Appendix 24**.

Council further consulted the following public authorities when the proposal was placed on exhibition to fulfil Gateway condition 3.
- NSW Department of Education;
- Crown Lands - Department of Planning, Industry and Environment; and
- Energy, Environment and Science Group - Department of Planning, Industry and Environment (Former Office of Environment and Heritage).

The submissions received from Crown lands, and the Energy, Environment and Science Group - Department of Planning, Industry and Environment are included at **Appendix 25**.

No submission was received from NSW Department of Education. Council's responses to public authority submissions are included at **Appendix 26**.

Council's view line analysis carried out for the precinct confirms a building height control of 12m and 1.2:1 FSR for the site. At this stage the proponent has informed Council they would prefer to retain the existing 1:1 FSR for the site. This fulfils Gateway condition 4 requirements.

No lodged submissions did not warrant or requested a public hearing to be held for this proposal. This fulfils Gateway condition 5.

# 7 Project Timeline

The Department's Gateway Determination issued a 12 month timeline to implement this draft LEP amendment. However, the project has proceeded beyond the given LEP timeline considering the complex and strategic nature of this proposal and considering the strategic context in which the proposal operates.

On 16 July 2019, the proposal was issued with an extended gateway determination timeline prior to exhibit the proposal. This extended gateway timeline includes 20 November 2019 as the ultimate LEP deadline to complete and submit the proposal to the Department of Planning, Industry and Environment. This fulfils Gateway condition 6.

The Department of Planning, Industry and Environment has also not issued an authorisation to exercise delegation for this proposal by Gateway Determination letter dated 20 February 2018 given the potential impact on the regional road network and in light of the State Significant Development (SSD) application being assessed by the Department of Planning, Industry and Environment and Environment.

The current proposal also does not identify any site specific improvements or/and land acquisition provisions for the new school as per the revised traffic impact assessment study, and the proponent is not required to enter into a voluntary planning agreement (VPA) with Council at this stage. This is most likely to occur as a condition of consent if required when the state significant development application is determined. The VPA timeline excluded from the table below.

The indicative timeline presented in Table 6 indicates the steps and approximate time taken for agency and community consultation, evaluation of submissions and reporting the final proposal to a Council meeting for its adoption prior to submitting the final proposal the Department for plan making and notification (gazettal) of this draft LEP amendment.

It is anticipated that the proposal may take approximately 2-3 months to make and notify the plan.

| PP Actions | Dec 2017 | Jan 2018 | Feb 2018 | Jun 2019 | July 2019 | Aug 2019 | Sept 2019 | Oct 2019 |
|---|---|---|---|---|---|---|---|---|
| Submit PP to the Department for Gateway Determination | | | | | | | | |
| Gateway Determination Issued by the Greater Sydney Commission / Sydney Planning Panel | | | | | | | | |
| Report the updated proposal to the Panel and Council meeting | | | | | | | | |
| Consult with relevant Public Agencies as required | | | | | | | | |
| Public exhibition of PP | | | | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Receive and evaluate submissions and revise PP | | | | | | | | |
| Report PP for Council's adoption prior to submitting it to DP&E | | | | | | | | |
| Submit adopted PP to Department for Plan for plan making and notification | | | | | | | | |

# Appendix 1: Gateway Determination dated 20 February 2018 and Extended Determination July 2019

T014056/2018 (original) and T053589/2019 (extended)

# Appendix 2: Chronology of events (with strategic context)

T041834/2019

# Appendix 3: Council report and minutes of 6 Sept 2017 (Item 154/17)

T101228/2017

# Appendix 4: Council's PP Assessment Report

T071681/2017

# Appendix 5: Cumberland IHAP report and minutes of Aug 2017 (Item C029/2017)

T084579/2017

# Appendix 6:  Design Statement and School program

Design Statement – T047119/2017
Proposed School Program – T047102/2017

# Appendix 7: Masterplan, Concept Plans and Artist Impressions (July 2017)

Revised Masterplan and Artist Impressions - T068140/2017
Revised Concept Plans - T064709/2017

# Appendix 8: PMDL Design Statement for play/open space (Sept 2017)

Reference T096550/2017

# Appendix 9: PMDL View line Review (Oct’17)

Reference T096554/2017

# Appendix 10: Revised Transport Impact Assessment (Oct 2017 and June 2019) GTA

Reference T096556/2019
Reference T043822/2019

# Appendix 11: Preliminary and Detailed Site Investigation (June 2019 and May 2017) by Australian Geo Technical

Reference T043814/2019
Reference T047116/2017

# Appendix 12: Revised Flood Impact Statement (Oct 2017) by Northrop

Reference T096622/2017

# Appendix 13: Revised letter of offer by proponent (20 Nov 2017)

Reference T101600/2017

# Appendix 14: TPG letter dated 23 Nov 2017

Reference T096624/2017

# Appendix 15: Council's review comments to proponent on 17 Nov 2017

T101249/2017- unsigned copy only

# Appendix 16: Council's preliminary assessment comments (15 May 2017)

Reference T068064/2017

**Draft *Auburn Local Environmental Plan 2010* amendment to permit an 'educational establishment' for 2 Percy Street, Auburn**

The draft planning proposal request (draft PPR) lodged by TPG Town Planning and Urban Design applies to 2 Percy Street, Auburn which is the subject site.

**General Comments**
Council is undertaking strategic studies in relation to views, traffic and access for the Gelibolu Precinct as a whole, from Station Rd to Wyatt Park, as recently resolved by Council. Ad hoc proposals for changes to the planning controls for parts of this precinct would have the potential to impact the capacity, function and significance of this precinct. As such, we advise that Council will not be in a position to make any decision on future changes to the planning controls for this area until these studies have been completed (refer to Section 1 below for details of these studies). The studies will inform the preparation of a Council-initiated planning proposal that will include controls for this precinct.

Should you wish to proceed, despite the advice above, we have provided the following comments (both general and specific) on the draft planning proposal request below and on the following pages. Council's general technical planning advice on the draft planning proposal request is that the proposed rezoning option to include 'educational establishments' as an additional permitted use in the IN2 Light Industrial zone is not a long term strategic planning solution for the site (refer to sections 1 to 3). If a rezoning of the site is to be pursued, it is recommended that either an R2 Low Density Residential or an R3 Medium Density Residential zone be investigated for the site.

In this regard, the same LEP making processes would need to be followed even if the draft PPR proposes to introduce an educational establishment by seeking an adjoining zone.

### 1. *Draft Auburn and Lidcombe Town Centre Strategy* and associated studies

The site to which the draft PPR applies adjoins the Gelibolu Precinct (Precinct 22) of Council's draft *Auburn and Lidcombe Town Centre Strategy* (the draft Strategy).

The draft Strategy was reported to Council's meeting of 21 December 2016 [Item 133/16]. Refer to further information at http://www.cumberland.nsw.gov.au/wp-content/uploads/2016/12/agenda-21-december-2016.pdf. Council will prepare a planning proposal to implement the draft Strategy provisions to amend the *Auburn LEP 2010*.

The draft Strategy proposes that Precinct 22 be rezoned from R2 Low Density Residential to R3 Medium Density Residential under *Auburn Local Environmental Plan 2010* (Auburn LEP 2010) (refer to http://www.cumberland.nsw.gov.au/strategicplanning/ for more information) Any consideration

of the potential for further density increases for the precinct would require additional studies. To inform the final Strategy therefore, Council will be undertaking the following studies for whole of Precinct 22 in the near future:

I. Detailed view line analysis; and

II. Traffic and Access

- This study will specifically include the subject site, as well as Precinct 22.

It is critical that any further development in this area consider the potential of and impacts on Precinct 22 and adjoining lands as a whole.

### 2. *Auburn Employment Lands Strategy 2015 (Auburn ELS 2015)*

The '*Auburn Employment Lands Strategy 2015'* (p.64) states the following:

> *"Support businesses located in fragmented and 'orphaned' industrial sites. ...In the long term investigate alternative land uses as those fragmented precincts that abut residential will conceivably struggle to attract new occupiers, particularly when the current occupiers vacate".*

Any consideration of potential rezoning opportunities for the subject site needs to consider the *Auburn ELS 2015*. In this instance, the subject site can be considered for an alternative land use as it is an 'orphaned' industrial site.

### 3. Concerns

The following concerns are raised about the proposal:

- Whether the proposed additional permissible use (educational establishment) is viable and is the best planning option for the site considering its strategic location and context.
- Whether the proposed additional permissible use (educational establishment) would create a precedent for other IN2 Light Industrial zones located within Cumberland Council area.
- Whether other viable employment uses other than educational establishments were considered for the site that are more compatible with the site's existing IN2 zoning, and relevant A*uburn LEP 2010* zone objectives.
- Whether a better planning outcome could be achieved by seeking a rezoning to the existing adjoining R2 Low Density Residential zone or to the proposed R3 Medium Density zone as recommended in the Draft Auburn and Lidcombe Town Centre Strategy. Both the existing and proposed residential zones under the draft Strategy permit educational establishments with development consent.
- Whether the subject site would be affected by the draft *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, should the proponent seek an adjoining zone to build a new educational establishment on site.

## 4. Specific comments on the proposal

### A. Cover page

The existing cover titled 'planning proposal' would need to be corrected as 'planning proposal request' (PPR) since the proposal is a proponent-initiated planning proposal.

### B. Objectives and intended outcomes of PP (p.6)

The 'education establishment' proposed for the draft PPR should further include details about number of classrooms proposed and number of students anticipated along with the age groups. This helps Council to determine the nature and size of the proposed educational establishment.

### C. Part 1: Objectives and Intended outcomes (p.9)

- The objectives of the planning proposal request should be consistent with the objectives of the zoning being sought.
- Should indicate the key objectives of the proposal.

### D. Section 4.1.6 Traffic, parking and access issues (p.39)

- Would need to undertake a traffic, parking and access study for the site, which:
    - Needs to demonstrate how traffic and parking requirements are to be met, if an educational establishment is proposed on site. This would depend on the capacity (how many students) of the school, and whether the proposed additional use is a traffic generating development as per Schedule 3 of *SEPP (Infrastructure) 2007*.
    - Should take into account the draft *Auburn LGA wide Traffic and Transport Study 2012* findings and recommendations in relation to intersections that would be affected by the proposed use/s.
    - The study needs to take into account the cumulative impact of traffic and parking related to:
        - Auburn Gallipoli Mosque, especially on Fridays;
        - The Council approved residential aged care facility proposed (DA 189/2015); and
        - Peak school times.

### E. Section 3.3.3 economic and social effects (p.39)

- Need to revisit and revise the draft economic and/or social/community benefit accordingly depending on the objectives and intended outcomes.

### F. Other issues

Should consider and address the following:

**I. Noise**

- Though the draft refers to noise guidelines (p.23), the proposal does not address how the site to which the proposal applies is consistent with noise issues considering the site's close proximity to the existing western railway line, and as per clause 87 requirements of the *State Environmental Planning Policy (Infrastructure) 2007*. The draft PPR will need to investigate if any noise impacts are anticipated, and propose any mitigation methods required.

**II. Contamination**

- Any PPR for the site will need to be consistent with the requirements of Clause 6 of *State Environmental Planning Policy No.55 – Remediation of Land*.

- A preliminary contamination assessment report would be required given the draft PPR proposes an educational establishment within an existing IN2 Light Industrial zone. The draft PPR should address if such a proposed use is suited for the site given its industrial nature, investigate if any impacts are anticipated, and propose any mitigation methods required.

**III. Flooding**

- The site to which the PPR applies is shown partly affected by flooding under Auburn LEP 2010's flood planning maps. Council's Engineering Division has further confirmed that the site to which the draft PPR applies is affected by Probable Maximum Flooding (PMF) of Haslam's Creek, and Council's adopted PMF level for the site is 13.2m Australian Height Datum (AHD).

- The PPR should address how the proposed use would comply with requirements of Chapter 6 of the Stormwater Drainage Part of the *Auburn Development Control Plan 2010 (Auburn DCP 2010)*, outline whether flood impacts are anticipated, and propose any mitigation methods required.

- Auburn DCP 2010 (Stormwater Drainage part) - Since schools (Educational Establishments) are considered as 'Essential Community Facilities' under Tables 5 and 6 of the Stormwater Drainage Part of ADCP 2010, and are not allowed within the Probable Maximum Flood (PMF area), a detailed flood report along with a survey to AHD of the property is required to be undertaken and submitted along with the proposal to ensure that the envisaged use/development on site is clear of the PMF.

**G. Consistency with the *Auburn Employment Lands Strategy (Dec 2015)***

- assess the draft proposal's consistency with the *Auburn ELS 2015 (December 2015*) guiding principles and recommendations.

- provide an analysis of the impact of any loss of industrial lands in the area and should address the relevant principles and recommendations in relation to the Queen Street Precinct (Precinct 1).

- consider the impact on employment numbers and employment type on the site.

**H. Consistency with the draft *Auburn and Lidcombe Town Centre Strategy (Dec 2015)***

- The draft PPR should analyse consistency with and any impact on the draft Strategy's objectives and provisions for the Auburn Town Centre in particular to Precinct 22.

**I. Other matters**

The following matters should also be considered when a draft PPR is prepared:

- Should refer to Department of Planning, Industry and Environment and Environment's '*A Guide to Preparing Planning Proposals*' as a reference. Council will provide a sample planning proposal request as an example.

- Should refer to the Department of Planning, Industry and Environment and Environment's draft Practice Note on '*Schedule 1 – Additional Permitted Uses - in the Standard Instrument*' dated September 2012 for further information to determine how the proposed additional use would be applied to the site to achieve the proposal correctly, should the proponent decide take this path.

- The proposal mentions the following plans:

  - *A Plan for Growing Sydney*
  - *Draft West Central District Plan*
  - *Auburn Precinct - Parramatta Road Corridor Urban Transformation Strategy (PRUTS)*

  Though some strategic directions and actions are mentioned, the proposal does not clearly identify the consistency or applicability of the plans to the site and the draftproposal. This needs to be addressed.

- Should outline the draft PPR's consistency with the Council's *Auburn Community Strategic Plan 2013 – 2023,* and draft *Cumberland Council Community Strategic Plan 2017- 2027* directions and objectives.

- Should outline the PPR's consistency with all the *Sydney Regional Environmental Plans* (deemed SEPPs), and all State Environmental Planning Policies (SEPPs). Refer to sample PP provided for information.

- Should include source and page number if any direct references or statements are used.

- Though the applicable section 117 directions are mentioned, the proposal should outline consistency with all section 117 directions (Refer to sample PP request provided for information).

- References relating to River Road, Oatley (Former Bowling Club Site) need to be should be removed.

- It is recommended that section 3.2.2.3 *Auburn Town Centre Strategy 2031* be removed from the draft PPR since the provisions of this strategy have been incorporated into the *Auburn LEP 2010.*

**J. Lodgement requirements**

- Council's Planning Proposal Request form and checklist must be submitted when formally lodging the final PPR with Council.

- All requested supporting studies are to be submitted with the PPR at the time of lodgement with relevant copies.

- The fees for a PPR are outlined under Cumberland Council's *Revenue Policy including Fees and Charges 2016/17* (p.46 and 47). This fee is dependent upon the type of proposal. The proponent will need to check the relevant fee with Council prior to its lodgement.

***It should be noted that nothing in this advice should be construed as support for a request to change the land uses or zoning for No. 2 Percy Street, Auburn. Similarly, should a PPR be lodged for the site, Council reserves the right to seek further information as it sees fit to help inform a detailed analysis of any such proposal.***

# Appendix 17: Council's post lodgement comments (5 June 2017)

CUMBERLAND COUNCIL

OUR REFERENCE PP-2/2017
CONTACT M. Cologna
TELEPHONE 9735 1355

5 JUNE 2017

Ms. Luiza Campos
Architecture Design Studio Pty Ltd
43/8 Avenue of the Americas
Newington, NSW 2127.

Dear Luiza,

**PLANNING PROPOSAL REQUEST FOR 2 PERCY STREET, AUBURN TO AMEND THE *AUBURN LOCAL ENVIRONMENTAL PLAN 2010* (PP- 2/2017)**

Cumberland Council acknowledges receipt of the Planning Proposal Request (including fees) lodged for 2 Percy Street, Auburn by Architecture Design Studio Pty Ltd on behalf of the landowner (Master Plumbers Association of NSW), and the landowner's nominee (Gallipoli Education Solutions Limited) on Friday 19 May 2017.

Council has undertaken an initial review of the Planning Proposal Request based upon the information received and Council's pre-lodgement advice emailed on 15 May 2017.

**1.0 General comments**

As previously advised, Council is undertaking strategic studies in relation to views, traffic and access for the Gelibolu Precinct (Precinct 22) as a whole, from Station Road to Wyatt Park, as recently resolved by Council. Site specific proposals without no broader strategic basis for parts of this precinct would have the potential to impact the capacity, function and significance of this precinct. As such, we advise that it will be difficult to support changes to the planning controls for this area until these studies are completed. The studies will inform the preparation of a Council-initiated planning proposal that will include controls for this precinct.

Council's general technical planning advice on the draft planning proposal request is that the proposed rezoning option to include 'educational establishments' as an additional permitted use in the IN2 Light Industrial zone is not a long term strategic planning solution for the site. If a rezoning of the site is to be pursued, it is recommended that either an R2 Low Density Residential or an R3 Medium Density Residential zone be investigated for the site.

Should the proponent wish to proceed with this planning proposal request as a short term planning solution, despite Council's preliminary advice provided, the following additional issues are raised with regards to the proposal:

**2.0 Proposed 1.2:1 FSR**

Council notes that the proposal's existing Floor Space Ratio (FSR) is increased from 1:1 to 1.2:1. This FSR proposed was not discussed or was proposed for inclusion within the proponent's preliminary draft proposal request that was submitted for Council's comment. This is contradictory to the principle of introducing a proposed additional permissible use for the site. Should the

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proponent seeks to increase the existing site's principal development standards via an introduction of an additional permissible use the proponent should strongly reconsider rezoning the site as recommended, or withdraw this planning proposal request.

The proposed 1.2:1 FSR is further considered to be higher than the anticipated surrounding FSR of 0.75:1 (45% increase) for a R3 Medium Density Residential zone, and an existing FSR of 1:1 for an IN2 Light Industrial zone. The strategic merit for the proposed FSR increase is unclear, and in addition to the issues already identified with the 'Additional Permissible Uses' approach.

Council recommends the site's existing FSR 1:1 for an IN1 Light Industrial zone be maintained. The proposed FSR increase could further create a precedent for industrial zoned land within the Cumberland local government area.

**3.0 Gross Floor Area**

Should the proponent wish to proceed with the site's proposed 1.2:1 FSR, the proponent must specify the total Gross Floor Area (GFA) proposed (existing and proposed) for the 'Educational Establishment' so that development of the site would not occur in an adhoc manner. This provision is recommended via a written clause within the *Auburn Local Environmental Plan 2010*.

The proposed total 'Gross Floor Area' (GFA) would further need to meet on-site car parking requirements given the nature and size of the proposed development.

**4.0 Concept Layout Plans**

The proposal's concept layout plans should clearly indicate the proposed and existing GFAs of the proposed development, the railway line and north point, envisaged building form, its views and relationship to the surrounding streets, residential area, Gallipoli Mosque, and the Wyatt Park.

**5.0 Active Open Space provisions**

The proposed site's masterplan submitted shows the adjacent Wyatt Park as a 'playground' which is not the case. Please clarify how the planning proposal request (i.e. the proposed additional use) considers to utilise the existing Wyatt Park?

Wyatt Park is considered as a 'district open space' which is heavily used for sports and recreation purposes by schools within the Cumberland Council area. A masterplan for the entire Wyatt Park is also being prepared by Consultants in consultation with Council to upgrade and develop the park. Privatised use of a Council facility of this nature is unlikely to be supported, and the proposal should consider the provision of open space within the subject site.

**6.0 Traffic and transport matters**

Following a preliminary review of the proposal's Transport Impact Assessment (GTA Consultants), Council's Engineering Division has indicated that the following intersections would require further analysis and modelling:

- Dartbrook Rd/Rawson Street intersection (Left in/Left out);

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- Station Road/Gelibolu Parade turn (impacts of vehicles accessing the precinct through this left turn since there is no right turn into the precinct from Rawson Street west); and
- Station Road /Rawson Street.

**7.0 Car parking requirements**

Council's Engineering Division has noted the following:

- That car parking provisions proposed by GTA's Transport Impact Assessment study (p.16) is satisfactory, and would require further detailed analysis if the proposal proceeds to the Development Application (DA) stage.

- That Gallipoli Mosque's Friday prayer times would need to be considered and analysed for traffic modelling even though the times fall outside the normal peak times. The times are considered as a critical period for St Hilliers and Dartbrook Roads, Auburn

- The St. Hilliers Road southern approach traffic queues would further need to be analysed during the respective prayer times (11.45pm to 1pm).

**8.0 Flooding**

Council's Engineers have requested the following additional information:

- The proposal needs to demonstrate Chapter 6 – Flood Risk Management requirements of the Stormwater Drainage Part of the *Auburn Development Control Plan 2010*. This issue was previously raised via Council's pre-lodgement comments (refer to previous comments issued on 15 May 2019).

  **Note:** The former Auburn City Council's FSR Planning Proposal sought to rezone 'certain land' located within local centres of the LGA to R4 High Density Residential and B4 Mixed Use zones under the *Auburn Local Environmental Plan 2010*. The site to which the proposal applies and the immediate R2 Low Density Residential surrounds was excluded from the FSR Planning Proposal and does not include any relevance to the justification of this proposal.

**9.0 Detailed Site Investigation**

The proposed 'detailed site investigation' report prepared by Australian Geotechnical refers to a review of the 'preliminary site investigation report' prepared by Aargus (Ref ES5840) dated 13 July 2014 in the Executive Summary. Please provide a copy of this report to Council as additional information for assessment purposes.

Please note that the advice contained in this correspondence is preliminary only. Following further detailed analysis of the planning proposal request, Council may request additional information or clarifications.

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From this point onwards, Council will liaise with you with regards to the Planning Proposal for any future matters or clarifications. Please advise the landowner and the landowner's nominee (Proponent) accordingly.

The Planning Proposal request is currently on exhibition until 30 June 2017 and can be viewed on Cumberland Council's website www.cumberland.nsw.gov.au under *Have Your Say* in accordance with the '*Cumberland Council Planning Proposal Notification Plan*'. Following this exhibition period, the assessment report will be considered by the Cumberland Independent Hearing and Assessment Panel, and then a Council meeting.

Should you have any further enquiries or would require an update on how the planning proposal is progressing, please do not hesitate to contact Council's Strategic Planner, Harinee De Silva on 9735 1232.

Yours faithfully,

**MONICA COLOGNA**
**MANAGER STRATEGY**

CC: Existing landowner (Master Plumbers Association of NSW)
CC: Gallipoli Education Solutions Pty Limited.

# Appendix 18: TPG's response dated 3 July 2017

3 July 2017

Our ref: 217.065

General Manager
Cumberland Council
1 Susan Street
AUBURN NSW 2144

TOWN PLANNING
AND URBAN DESIGN

**ATTENTION: MONICA COLOGNA – MANAGER STRATEGY**

**SUBJECT: PP- 2/2017- RESPONSE TO COUNCIL'S COMMENTS ON PLANNING PROPOSAL REQUEST - 2 PERCY STREET AUBURN**

Dear Monica,

TPG Town Planning and Urban Design (TPG) has prepared this letter in response to Council's correspondence dated 5 June 2017 providing comments based on its initial review of Planning Proposal Request PP- 2/2017 (PPR) submitted to Council on 19 May 2017.

## *1. Background*

The PPR seeks to amend the *Auburn Local Environmental Plan 2010* (ALEP 2010) to include 'Educational Establishment' as an additional permitted use on land at 2 Percy Street, Auburn (*the subject site*). The subject site is currently zoned IN2 Light Industrial under the ALEP 2010 and educational establishments are currently prohibited in this zone.

Gallipoli Education Solutions, is working in partnership with the Turkish Government to deliver a new school on the subject site to support the educational needs of the local population. A school in this location would benefit from synergies with the nearby Auburn Gallipoli Mosque and the Gelibolu Home aged care facility currently being constructed opposite the site.

This planning approach and the background to the proposal were discussed at a meeting with Council officers, including Monica Cologna (Manager Strategy), on 24 January 2017. As a result of this meeting the draft PPR was prepared and submitted to Council for comment on 27 February 2017.

At a meeting held on 18 April 2017 attended by the Department of Planning and Environment, the Applicant, TPG and Council, the planning of the broader precinct was discussed. At this meeting the intended PPR approach of including the additional use of 'Educational Establishment' on the subject site under Schedule 1 was raised. At this point in time, Council did not indicate any objections or suggest it had an alternative approach.

Council provided pre- lodgment advice in response to the draft PPR on 15 May 2017. This advice recommended the Applicant to investigate potential for an R2 Low Density Residential or an R3 Medium Density Residential zone for the site as an alternative to allowing for an additional use under Schedule 1 of the ALEP 2010. Council also recommended additional technical studies be undertaken.

It is noted that the subject site is an isolated industrial site, identified as an 'orphan site' under the *Auburn Employment Lands Strategy 2015*. It is a well-established planning outcome to permit educational uses in a range of land use zones, as identified in State Environmental Planning Policy (Infrastructure) 2007. It is also recognised that there is limited long term viability for the operation of industrial land uses within the subject site given its context in the locality and surrounding land uses.

Therefore, while noting that Council has a desire to undertake broader strategic planning to determine the most appropriate land use zone for the site, the proposed planning pathway, to include an additional permitted use, was seen as appropriate in this context given the recognised suitability of educational establishments in a number of land use zones that may be applied to this site in the future. Therefore, the Planning Proposal sought to demonstrate the suitability of the subject site as an educational establishment, rather than seek a change in zoning as part of the subject planning proposal.

In response to Council's request, the Applicant commenced preparation of required supporting reports. The Applicant submitted a PPR to Council for consideration on 19 May 2017. This PPR sought to pursue an additional use of 'educational establishment' as originally proposed. The PPR was on informal exhibition until 30 June 2017.

### 2. *Response to Council Comments (Correspondence dated 5 June 2017)*

Council provided formal feedback on the PPR submitted on 19 May 2017 in its correspondence dated 5 June 2017 outlining a number of points for further consideration. The following table outlines TPG's response on behalf of the Applicant.

| Summary of Council Comments | Applicant Response |
|---|---|
| **1.0 General comments** | |
| • **As previously advised, Council is undertaking strategic studies in relation to views, traffic and access for the Gelibolu Precinct (Precinct 22) as a whole, from Station Road to Wyatt Park, as recently resolved by Council. Site specific proposals [with no] broader strategic basis for parts of this precinct would have the potential to impact the capacity, function and significance of this precinct. As such, we advise that it will be difficult to support changes to the planning controls for this** | In its pre- lodgment advice in response to the draft PPR on 15 May 2017, Council refers to the Gelibolu Precict (Precinct 22) with regard to long term strategic planning solutions for the subject site. TPG understands that the subject site is not located within this precinct, rather it is adjacent to it, as illustrated in Attachment 1, extracted from *draft Auburn and Lidcombe Town Centres Strategy, Appendix A – Auburn and Lidcombe Town Centre Precincts.*<br><br>TPG does, however, understand Council's requirement to understand the implications of allowing the proposed use on the subject site and as will be demonstrated further in this letter, is seeking to allay Council's concerns with regard to matters such as traffic, parking and flooding.<br><br>As identified in the *Auburn Employment Lands Strategy 2015*, the site is consistent with the description of an "orphan site". |

| Summary of Council Comments | Applicant Response |
|---|---|
| **area until these studies are completed. The studies will inform the preparation of a Council-initiated planning proposal that will include controls for this precinct.**<br><br>• **Council's general technical planning advice on the draft planning proposal request is that the proposed rezoning option to include 'educational establishments' as an additional permitted use in the IN2 Light Industrial zone is not a long term strategic planning solution for the site. If a rezoning of the site is to be pursued, it is recommended that either an R2 Low Density Residential or an R3 Medium Density Residential zone be investigated for the site.** | The PPR has been prepared with due consideration for the contextual and strategic relationship between the subject site and surrounding precinct and the suitability of the site for the proposed use. The PP considers the evolving nature of the precinct and recognises the benefits of an educational establishment on this site given its relationship with surrounding land uses.<br><br>Whilst it is recognised that Council is currently undertaking broader precinct planning, such processes offer little certainty with respect to timing for establishing the necessary land use zoning to achieve the Applicant's intended outcome within the desired timeframe. As such it is necessary for the Applicant to seek to establish appropriate land use permissibility in the interim to enable a Development Application to be lodged and the intended use to occur.<br><br>While Council has put forward a position wherein the establishment of the proposed use should not occur in advance of the strategic planning processes being undertaken by Council, TPG has a differing opinion as it is recognised that it is likely that any proposed land use zone that is recommended for the site will permit educational establishments as a 'prescribed zone' under State Environmental Planning Policy (Infrastructure) 2007 and as such, it is assumed that at some point in the future, and subject to a rezoning that may or may address the broader locality, 'Educational Establishments' would be a permitted use on the site. TPG have made this assumption as there is adopted policy that recognises that the site is an 'orphan site' and not suitable long term for industrial uses and the SEPP (Infrastructure) 2007 makes educational establishments permissible in a wide range of land uses zones that would be contemplated in any rezoning of the site.<br><br>It is considered that there are significant benefits associated with pursuing this Planning Proposal in advance of the broader strategic planning work that is being undertaken by Council. The current Planning Proposal addresses the broader implications of the proposed use and once adopted, will enable a Development Application to be lodged and a merit assessment undertaken.<br><br>It is understood that the proposed school will provide a public benefit through the provision of a high quality educational establishment that will service the local community. In this respect, it is considered that establishing the permissibility of this use in the current Planning Proposal will add significant benefit to the strategic work that Council is undertaking as it will be able to appropriately assess social infrastructure |

| Summary of Council Comments | Applicant Response |
|---|---|
| | requirements for the locality and improve planning outcomes through understanding of key issues such as traffic and parking and ensure the future zonings and densities are appropriate.<br><br>It must also be noted that this PPR will not preclude any parallel planning processes currently being undertaken by Council. The benefit of the current planning proposal is that Council can understand the full impacts of the proposed use as a specific land use option. In any other scenario, detailed assessment of the use of the site as an 'education establishment' would not necessarily occur at the PP stage for a rezoning to an alternative zone (such as R2 or R3) as the proposed use would become 'permissible' along with a host of other land uses. In this respect, the planning pathway proposed provides Council with certainty with regard to the proposed use and its potential impacts, and also enables future strategic plans to be underpinned by real land use planning outcomes, rather than hypothetical scenarios of potential land use options according to the zoning.<br><br>Notwithstanding Council's intent to undertake broader precinct rezoning, it is considered that the addition of an 'educational establishment' on the subject site under Schedule 1 of the ALEP 2010 is an appropriate interim means of achieving the PPR's objectives and intended outcomes in that:<br>• the PPR considers and responds appropriately to the broader strategic context of the site;<br>• the PPR provides for an additional use that is permissible in Council's favored R2 or R3 zone and therefore will be consistent with Council's broader strategic intent for the site; and<br>• the PPR will provide some level of certainty with regard to land use outcomes for the site and enable a further merit assessment of the proposal at Development Application. |
| • **Should the proponent wish to proceed with this planning proposal request as a short term planning solution, despite Council's preliminary advice provided, the following additional issues are raised with regards to the proposal:** | Noted. Refer comments above and below. |
| **2.0 Proposed 1.2:1 FSR** | |
| • **Council notes that the proposal's existing Floor Space Ratio (FSR) is increased from 1:1 to 1.2:1. This FSR proposed was not discussed or was proposed for inclusion within** | The PPR has been prepared in accordance with the requirements of Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and associated guidelines *'A guide to preparing local environmental plans'* and *'A guide to preparing planning proposals'* prepared by the NSW |

| Summary of Council Comments | Applicant Response |
|---|---|
| **the proponent's preliminary draft proposal request that was submitted for Council's comment. This is contradictory to the principle of introducing a proposed additional permissible use for the site. Should the proponent seek to increase the existing site's principal development standards via an introduction of an additional permissible use the proponent should strongly reconsider rezoning the site as recommended, or withdraw this planning proposal request.**<br>• **The proposed 1.2:1 FSR is further considered to be higher than the anticipated surrounding FSR of 0.75:1 (45% increase) for a R3 Medium Density Residential zone, and an existing FSR of 1:1 for an IN2 Light Industrial zone. The strategic merit for the proposed FSR increase is unclear, and in addition to the issues already identified with the 'Additional Permissible Uses' approach.**<br>• **Council recommends the site's existing FSR 1:1 for an IN1 Light Industrial zone be maintained. The proposed FSR increase could further create a precedent for industrial zoned land within the Cumberland local government area.** | Department of Planning and Environment (DP&E) in 2016.<br><br>There are no requirements stated in the above legislation or guidelines that preclude a request to amend FSR in circumstances where an additional use is proposed to be included under Schedule 1 of an LEP. It is also noted that there is no nexus between a land use zone or permissible land use and maximum allowable FSR.<br><br>The surrounding land R3 land has a maximum permissible FSR of 0.75:1 and is used predominantly for residential purposes. The proposed use of the subject site will result in a different land use outcome and built form typology. As such, the site's proposed use as a school necessitates a maximum FSR that is commensurate with the nature of that use and the intended built form outcome. In this regard, it is reasonable for the maximum permissible FSR on the site to respond to the specific circumstances of its intended use, noting that in this particular circumstance, the proposed maximum FSR can be inherently linked to the proposed use and drafted so the increase in FSR does not translate to other uses.<br><br>Development plans provided demonstrate that the intended outcome is generally consistent with the existing massing of the current development on the site. This concept minimises impacts on the adjacent residential buildings through appropriate site planning that uses setbacks, the proposed car park, landscaping and an existing laneway to establish reasonable buffer between the school and existing residential uses, noting that the proposed use will be subject to a merit assessment at Development Application stage if supported.<br><br>In consideration of the points raised above, and in response to Council's comments, the applicant is willing to remove the request to increase FSR from the PP if required by Council and will seek to retain the sites existing FSR of 1:1, which is reflected in refined plans provided as Attachment 2 – Updated Concept Drawings. |
| 3.0 Gross Floor Area | |
| • **Should the proponent wish to proceed with the site's proposed 1.2:1 FSR, the proponent must specify the total Gross Floor Area (GFA) proposed (existing and proposed) for the 'Educational Establishment' so that development of the site would not occur in an adhoc manner.** | As above, the applicant is willing to remove the request to increase FSR from the PP and will seek to retain the sites existing FSR of 1:1.<br><br>Parking requirements are addressed further below. |

| Summary of Council Comments | Applicant Response |
|---|---|
| This provision is recommended via a written clause within the Auburn Local Environmental Plan 2010.<br>• The proposed total 'Gross Floor Area' (GFA) would further need to meet on-site car parking requirements given the nature and size of the proposed development. | |
| **4.0 Concept Layout Plans** | |
| • The proposal's concept layout plans should clearly indicate the proposed and existing GFAs of the proposed development, the railway line and north point, envisaged building form, its views and relationship to the surrounding streets, residential area, Gallipoli Mosque, and the Wyatt Park. | Updated concept plans have now been provided which clearly illustrate north point as well as existing and proposed GFA.<br>The broader master plan diagram has been provided as Attachment 3, submitted with the PPR, illustrates the relationship between the proposed school, railway line, residential area, Gallipoli Mosque, and the Wyatt Park.<br><br>Refer Attachment 3 – Master Plan. |
| **5.0 Active Open Space provisions** | |
| • The proposed site's masterplan submitted shows the adjacent Wyatt Park as a 'playground' which is not the case. Please clarify how the planning proposal request (i.e. the proposed additional use) considers to utilise the existing Wyatt Park?<br><br>• Wyatt Park is considered as a 'district open space' which is heavily used for sports and recreation purposes by schools within the Cumberland Council area. A masterplan for the entire Wyatt Park is also being prepared by Consultants in consultation with Council to upgrade and develop the park. Privatised use of a Council facility of this nature is unlikely to be supported, and the proposal should consider the provision of open space within the subject site. | The rooftop space proposed within the development concept will form the key recreation and activity space for students.<br><br>The PPR makes reference to potential synergies between the use of the site as a school and nearby open space reserves such as Wyatt Park.<br><br>It is intended that any future use of Wyatt Park by the school would be undertaken in consultation with Council. Any use of such facilities would responding as necessary to management policies as well as any established procedures for booking and utilisation of such facilities.<br><br>It is reiterated that the school site does not propose to rely on the use of Wyatt Park for its operation but, if there was opportunity to utilise park for any purpose whether on a regular or ad-hoc basis, this would be subject to discussions with Council with regard to availability and suitability as per all schools within the Cumberland Council area. . |

| Summary of Council Comments | Applicant Response |
|---|---|
| **6.0 Traffic and transport matters** | |
| • Following a preliminary review of the proposal's Transport Impact Assessment (GTA Consultants), Council's Engineering Division has indicated that the following intersections would require further analysis and modelling:<br>○ Dartbrook Rd/Rawson Street intersection (Left in/Left out);<br>○ Station Road/Gelibolu Parade turn (impacts of vehicles accessing the precinct through this left turn since there is no right turn into the precinct from Rawson Street west); and<br>○ Station Road /Rawson Street. | To be addressed via separate correspondence. |
| **7.0 Car parking requirements** | |
| • Council's Engineering Division has noted the following:<br>○ That car parking provisions proposed by GTA's Transport Impact Assessment study (p.16) is satisfactory, and would require further detailed analysis if the proposal proceeds to the Development Application (DA) stage.<br>○ That Gallipoli Mosque's Friday prayer times would need to be considered and analysed for traffic modelling even though the times fall outside the normal peak times. The times are considered as a critical period for St Hilliers and Dartbrook | To be addressed via separate correspondence. |

| Summary of Council Comments | Applicant Response |
|---|---|
| Roads, Auburn<br>○ The St. Hilliers Road southern approach traffic queues would further need to be analysed during the respective prayer times (11.45pm to 1pm). | |
| **8.0 Flooding** | |
| • Council's Engineers have requested the following additional information:<br>○ The proposal needs to demonstrate Chapter 6 – Flood Risk Management requirements of the Stormwater Drainage Part of the Auburn Development Control Plan 2010. This issue was previously raised via Council's pre-lodgement comments (refer to previous comments issued on 15 May 2019).<br>*Note: The former Auburn City Council's FSR Planning Proposal sought to rezone 'certain land' located within local centres of the LGA to R4 High Density Residential and B4 Mixed Use zones under the Auburn Local Environmental Plan 2010. The site to which the proposal applies and the immediate R2 Low Density Residential surrounds was excluded from the FSR Planning Proposal and does not include any relevance to the justification of this proposal.* | To be addressed via separate correspondence. |
| **9.0 Detailed Site Investigation** | |
| • The proposed 'detailed site investigation' report prepared by Australian Geotechnical refers to a review of the 'preliminary site investigation report' prepared by Aargus | To be provided via separate correspondence. |

| Summary of Council Comments | Applicant Response |
|---|---|
| (Ref ES5840) dated 13 July 2014 in the Executive Summary. Please provide a copy of this report to Council as additional information for assessment purposes. | |

### 3. *Follow Up Meeting*

It is noted that the applicant, representatives of Gallipoli Education Services and TPG met with Council's General Manager Malcolm Ryan, the Deputy General Manager Hamish McNulty and Groud Manager Adam Davis on Thursday 29 June 2017. At this meeting, some 200 letters of support for the PPR were provided and a general discussion was has about the proposal approach and timing. It was acknowledged that the proposal to add the use of 'Educational Establishment' to the current site list of permissible uses was most likely approach that Council would consider. It was also agreed to work with the applicant to have a report for consideration by the Council's IHAP committee before September 2017.

We trust the above information is sufficient for Council to further its assessment and determination of the PPR.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444.

Yours sincerely

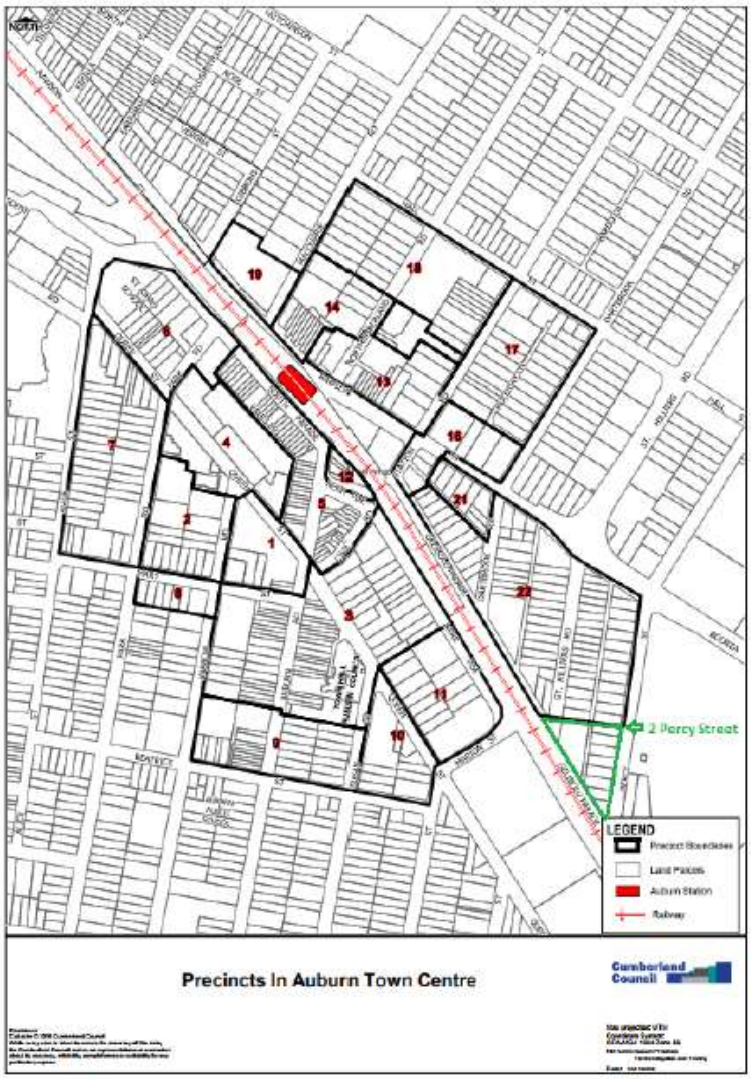
**TPG Town Planning and Urban Design**

H. Deegan.

Helen Deegan
Director of Planning

**Attachment 1 – Town Centre Precincts**
**Attachment 2 – Updated Concept Drawings**
**Attachment 3 – Master Plan**

## Attachment 1 – Town Centre Precincts



# Appendix 19: Community Consultation Summary

| Submission No and date | Comment summary | Council's Response |
|---|---|---|
| **1**<br>26 June 2017 | States and argues that "the inclusion of an educational establishment as an additional permitted use rather than a rezoning supports and protects industrial land for industrial uses by retaining the IN2 zone" is really ambiguous and sounds like double Dutch.<br><br>States "the proposal reads like there is a hidden agenda".<br><br>States "it is pointless retaining an industrial IN2 zone just to permit an additional use supposedly to protect industrial land for industrial uses especially when the additional permitted use is of a non-industrial use and once a large permanent school is established on site chances of the site being reverted back for purely industrial purposes is zero".<br><br>Acknowledges that the site to which the proposal applies is located within Queen Street (Precinct 1) and that the IN2 zone be retained to support existing businesses has no relevance, because the education establishment business proposed on the site will support the existing businesses regardless of the zone.<br><br>Claims that there is more evidence to show that the subject site is unsuitable for industrial use.<br><br>"The whole intent behind the proposal is fast tracking the process in order to achieve a convenient outcome on the pretext that this will provide some sort of protection for industrial land for industrial use..".<br><br>"The approval of this amendment will be highly controversial…"<br><br>"The rationale of the proposal is based on retained as an IN2 zone specifically IN2 zone specially for industrial use only and no additional use of a non-industrial nature."<br><br>"the proposal lacks integrity and transparency and there are too many anomalies". | Objection noted. |

| Submission No and date | Comment summary | Council's Response |
|---|---|---|
| **2, 3, 4, 5, 6, 7, 8 and 9**<br>(Form letters)<br>30 June | These submissions are on behalf of 7 organisations that mainly provide cultural and religious activities.<br><br>They support the planning proposal for an educational institution at 2 Percy St Auburn. | Noted. |
| **10, 11,12, 13, 14,15**<br>**(Form letters)**<br>30 June | Express overwhelming support for a school at 2 Percy St Auburn as it will:<br>Provide quality education to our future representatives and leaders<br>Enable our children (from Auburn and surrounding suburbs) to become law abiding citizens and contribute to the well-being of society.<br>Cater for the urgent need for a school for the increasing population of children in the area. | Noted. |
| **16**<br>30 June | This cultural and religious society with 350 members is excited to support the potential school at 2 Percy St Auburn.<br>Many members in our area have an interest and are enquiring about enrolling their children. | Noted. |
| **17**<br>30 June | This Guildford non-profit organisation with 500 members has raised concerns about the limited number of Muslim schools. We seek Council's assistance in meeting this need. | Noted. |
| **18, 19**<br>30 June | With a maximum capacity of 220 students, about a third of the students of Ifran College (at Cecil Park) l travel to the college from the Auburn region.<br>The Australian International Academy (Strathfield) has a maximum capacity of 450 students and cannot cater to students from the Auburn area.<br>The proposed school would help to cater for the urgent and ever-growing need for independent schools, with 250,000 students entering school in the next 10 years.<br>These two principals attest to the credibility, reliability and work ethic of Gallipoli Education Solutions Ltd | Noted. |
| **20**<br>30 June | This letter confirms the intention of Auburn PCYC to assist the proposed school with sporting options, subject to club availability with other bookings and programs and adherence to PCYC's membership and participation policies. | Noted. |
| **21**<br>30 June | I support the proposed 650 student K-12 co-ed school at 2 Percy St. I am delighted the mosque, which is an integral part of the Auburn community and its services, is now seeking to establish a K-12 school to assist in addressing the increasing need for school spaces in the rapidly growing Cumberland LGA, and give parents more options in | Noted. |

| Submission No and date | Comment summary | Council's Response |
|---|---|---|
| | school selection. | |
| **22**<br>30 June | This organisation is the governing arm of the Gallipoli Mosque. As such we support this proposal for the establishment of an educational institution at 2 Percy St. | Noted. |
| **23**<br>30 June | The Association assists community members with welfare issues of various sorts, from immigration to housing, from training to case management.<br>Informs they recommend and support the continuing support and development projects of the Gallipoli Mosque, including the proposed school. | Noted. |
| **24**<br>30 June | The I-Youth Centre runs a drop-in service with caseworks and mentors for young people aged 12 and up, as well as recreation, social and learning opportunities. It is available to all genders, faiths and cultures. Our youths and the centre manager support the GES proposal for an educational institute at 2 Percy St Auburn. | Noted. |
| **25**<br>30 June | A newsletter update on the Malek Fahd Islamic School.<br>No mention or reference to the proposal to permit a school at 2 Percy St. | Noted.<br>Does not make a reference to the proposal. |
| **26 (Petition)**<br>30 June | Support the planning proposal request of Educational Institution GES which is made up of 6 Turkish Mosque Associations. | Noted. |

# Appendix 20: Past DAs approved

| DA No | DAs approved | Description |
|---|---|---|
| 88/1979 | 2 April 1979 | Renewal of DA 119/79 and erection of building storage. |
| 221/2005 | 8 Aug 2005 | Internal alterations and additions to the existing light industrial building to convert existing use to permit confectionary factory within the premises for the former Cumberland Industries. |
| 200/2006 | 14 Sept 2006 | Proposed new training offices, storage facility and warehouse. |
| 180/2008 | 19 Nov 2008 | Second level addition to existing training facility building for use as offices. |
| 237/2011 | 1 Feb 2012 (deferred commencement) | Alterations and additions to existing warehouse including use and fitout as a Training Facility and Administration Centre for Master Plumbers and Mechanical Contractors Association of NSW. |

Source: Council GEAC records, July 2017

# Appendix 21: Consistency with NSW broader strategic framework

## *A Metropolise of Three Cities – Connecting people (March 2018)*

| Direction | Objective | Consistency |
|---|---|---|
| **A City for People** | **Objective 6 – Services and infrastructure meet communities' changing needs** (p.50) | **Consistent**<br>The plan identifies schools as essential infrastructure and that extra 270,000 students will need to be accommodated (p.50). The proposal introduces an educational establishment as a permissible use on site which encourages and implements the above plan needs. |
| **Jobs and Skills for the City** | **Objective 23 - Industrial and urban services land is retained** | **Consistent**<br>The site to which the proposal applies is identified as 'Category 3 employment lands - land to be retained for industrial purposes' and is located within Precinct 1 (Queen Street) in *Auburn ELS 2015*.<br>The adopted *Cumberland Employment Lands and Innovation Strategy* identifies the subject site as an 'other industrial area' (p.17) which sits outside the key identified employment precincts within Cumberland area.<br>The site which proposes the additional use is currently zoned IN2 Light Industrial and continues the industrial use.<br>The site's proposed additional use 'educational establishment' would also provide approximately over 50 jobs onsite. |

## *Central City District Plan (March 2018)*

| Planning Priority/Action | Consistency |
|---|---|
| **3.0 Liveability**<br><br>**A City for people**<br><br>Planning priority C3 - Providing services and social infrastructure to meet people's changing needs (p.26). | **Consistent**<br>The site to which the proposal applies is identified as '*Category 3 employment lands - land that could be investigated for alternative uses*' and is located within *Precinct 1 - Queen Street* under the *Auburn ELS 2015* (p.15).<br><br>The site proposes an educational establishment within IN2 Light Industrial zone which would meet the demand for school facilities within Cumberland wide and Auburn Town Centre area and surrounds and create more jobs and help continue the IN2 Light Industrial zone and uses within the short term. This would enable the site's gradual transition into longer term planning outcome with the future vision of the area that would be informed by the *draft Auburn and Lidcombe Town Centres Strategy*.<br><br>The land is further considered as an isolated industrial zoned land parcel located south of western railway line within the Auburn Town Centre. |
| **4.0 Productivity**<br><br>Planning priority C10 – Growing investment business opportunities and jobs in strategic centres (p.60) | **Consistent**<br>The land to which the proposal applies is currently located within the 800m walking catchment of the existing Auburn Town Centre which is currently identified as a 'local centre' under Figure 16 (p.43)) of the draft plan.<br><br>The land an orphaned industrial site proposes an educational establishment as an additional permissible use on site via the adaptive reuse of the existing building by amending the Auburn LEP 2010. Should the proposal proceeds to post gateway and DA stage it is anticipated that the proposed additional use would create approximately 50 or more jobs at the construction and operation stages which is further likely to contribute towards the local centre. |

## *State Environmental Planning Policies (SEPPs)*

| No. | Title | Summary | PP application's consistency with the SEPP |
|---|---|---|---|
| 1 | **Development Standards** | Aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act. | **Does not apply to Cumberland LGA.**<br>SEPP repealed by *Auburn LEP 2010, Holroyd LEP 2013* and *Parramatta LEP 2011 (clause 1.9).* |
| 14 | **Coastal Wetlands** | Aims to ensure the State's coastal wetlands are preserved and protected. | **Does not apply to Cumberland LGA.**<br>Applies to specified land under the National Parks & Wildlife Act, the Tomago Aluminium Smelter (Newcastle) and land to which SEPP 26 applies. |
| 19 | **Bushland in Urban Areas** | Aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space. | **Applies to State**<br>The subject site affected by the application is not affected by bush land.<br>Consistent |
| 21 | **Caravan Parks** | Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents. | **Applies to State** except land to which SEPP (Western Sydney Parklands) applies.<br>Consistent |
| 26 | **Littoral Rainforests** | Aims to protect littoral rainforests from development. | **Does not apply to Cumberland LGA** |
| 30 | **Intensive Agriculture** | Establishes the requirement for development consent and additional requirements for cattle feedlots and piggeries. | **Applies to State**<br>Consistent |
| 33 | **Hazardous and Offensive Development** | Aims to provide additional support and requirements for hazardous and offensive development | **Applies to State**<br>**Consistent** |
| 36 | **Manufactured Home Estates** | Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing. | **Does not apply to Cumberland LGA**<br>Applies to land outside the Sydney Region. |

| No. | Title | Summary | PP application's consistency with the SEPP |
|---|---|---|---|
| **44** | **Koala Habitat Protection** | Aims to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas | **Does not apply to Cumberland LGA**<br>Former Auburn LGA parts, former Parramatta LGA parts of the Woodville Ward, and former Holroyd LGA parts that are now located within Cumberland are not listed in Schedule 1 of the SEPP. |
| **47** | **Moore Park Showground** | Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance. | **Does not apply to the Cumberland LGA** |
| **50** | **Canal Estate Development** | Prohibits canal estate development | **Applies to State,** except Penrith Lakes<br><br>Consistent |
| **52** | **Farm Dams and other works in land and water management plan areas** | Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans. | **Does not apply to Cumberland LGA** |
| **55** | **Remediation of Land** | Provides a State wide planning approach for the remediation of contaminated land. | **Applies to State**<br>Consistent<br>The site to which the proposal applies is introduces an educational establishment within site's existing building.<br>The proponent's detailed site investigation report submitted is at **Appendix 5**. This fulfils Clause 6 requirements of the SEPP.<br>Should the proposal proceeds and then a DA is lodged the proposal would need to comply with the SEPP requirements. |
| **62** | **Sustainable Aquaculture** | Aims to encourage and regulate sustainable aquaculture development | **Applies to State**<br><br>**Consistent** |
| **64** | **Advertising and Signage** | Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area. | **Applies to State**<br><br>Consistent |

| No. | Title | Summary | PP application's consistency with the SEPP |
|---|---|---|---|
| 65 | **Design Quality of Residential Apartment Flat Development** | Aims to improve the design qualities of residential flat building development in New South Wales. | **Applies to State**, except Kosciusko SEPP area<br><br>Consistent |
| 70 | **Affordable Housing (Revised Schemes)** | Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000. | **Does not apply to Cumberland LGA**<br>Applies to land within the Greater Metropolitan Region particularly City of South Sydney, City of Sydney, City of Willoughby and Leichhardt. |
| 71 | **Coastal Protection** | Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast. | **Does not apply to Cumberland**<br>Applies to land within the coastal zone, as per maps of SEPP. |
| | **Housing for Seniors or People with a Disability 2004** | Aims to encourage the provision of housing to meet the needs of seniors or people with a disability. | **Applies to State**<br><br>To be considered at DA stage if required.<br><br>Consistent |
| | **Building Sustainability Index: BASIX 2004** | Aims to ensure consistency in the implementation of the BASIX scheme throughout the State | **Applies to State**<br>To be considered at DA stage if required.<br><br>Consistent |
| | **Kurnell Peninsula 1989** | | **Does not apply to Cumberland LGA**<br>Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006. |
| | **State Significant Precincts 2005** | Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services. | **Applies to State**<br><br>Consistent |
| | **Sydney Region Growth Centres 2006** | Aims to co-ordinate the release of land for development in the North West and South West Growth Centres. | **Does not apply to Cumberland LGA**<br>Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre) |

| No. | Title | Summary | PP application's consistency with the SEPP |
|---|---|---|---|
| | **Mining, Petroleum Production and Extractive Industries 2007** | Aims to provide for the proper management and development of mineral, petroleum and extractive material resources | **Applies to State**<br><br>Consistent |
| | **Infrastructure 2007** | Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP. | **Applies to State**<br>Consistent<br>The proposal introduces an 'educational establishment' on site within a developed site. The proposal is considered as a 'traffic generating development' that would need to be referred to RMS. The proposal is supported by a Transport Impact Assessment by GTA which is at **Appendix 4** of the report.<br>The proposal is likely to be affected by *Clause 87 Impact of Rail Noise or vibration on non-rail development* since the proposed use is proposed within the close proximity of the existing western railway line.<br>However, since the site is already developed and any noise mitigation impacts anticipated from this proposed development may be addressed at the DA stage when an application is lodged. The proponent has acknowledged the noise issues and mitigation via the proposed building in **Appendix 1**. |
| | **Kosciuszko National Park – Alpine Resorts 2007** | Aims to protect and enhance the natural environment of the alpine resorts area. | **Does not apply to Cumberland LGA**<br>Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way. |
| | **Rural Lands 2008** | Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes | **Does not apply to Cumberland LGA** |
| | **Western Sydney Employment Area 2009** | Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development | **Applies to Cumberland LGA**<br>Applies to Greystanes Northern Employment Lands.<br><br>The land to which the proposal applies is not affected by this SEPP. |

| No. | Title | Summary | PP application's consistency with the SEPP |
|---|---|---|---|
| | **Exempt and Complying Development Codes 2008** | Aims to provide streamlined assessment process for development that complies with specified development standards. | **Applies to State**<br><br>**Consistent** |
| | **Western Sydney Parklands 2009** | Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region. | **Applies to Cumberland LGA**<br>Applies to land within Blacktown, Fairfield, Liverpool LGAs and a small part of former Holroyd LGA now located within Cumberland LGA.<br><br>The land to which the proposal applies is not affected by this SEPP. |
| | **Affordable Rental Housing 2009** | Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing | **Applies to State**<br>N/A – no residential uses proposed.<br>**Consistent** |
| | **Urban Renewal 2010** | Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts | **Applies Cumberland LGA**<br>Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.<br><br>The land subject to this proposal is not affected by this SEPP. |
| | **Sydney Drinking Water Catchment 2011** | Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal. | **Does not apply to Cumberland LGA**<br>Applies to land within the Sydney drinking water catchment. |
| | **State and Regional Development 2011** | Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications. | **Applies to State**<br><br>**Consistent** |

| No. | Title | Summary | PP application's consistency with the SEPP |
|---|---|---|---|
| | **Three Ports 2013** | Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle. | **Does not apply to Cumberland LGA**<br>Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla and land within New Castle City Council in an area known as Port Newcastle. |
| | **Miscellaneous consent provisions 2007** | Aims to provide erection of temporary structures permissible with consent across the State. | **Applies to State**<br><br>**Consistent** |
| | **Educational Establishments and Child Care Facilities 2017** | The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. | **Applies to State**<br>For the proposal to proceed to the post - gateway exhibition the proponent would need to address all provisions required by Council's resolution of 6 Sept 2017 to proceed to make and notify the plan and then lodge a DA and a VPA.<br>Given this, it is highly unlikely that the proposal would be lodged as a complying development under this SEPP.<br>The proposed site is also located within an existing IN2 Light Industrial zone which does not permit educational establishments as a permissible use under *Auburn LEP 2010*. |
| | **Vegetation in non-rural areas 2017** | Aims to protect the biodiversity values of trees and other vegetation in non-rural areas, and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. | **Applies to Cumberland LGA**<br>Is not affected or located with the such land with bio-diversity values. |

## State Regional Environmental Plans (Deemed SEPPs)

| No | Title | Summary | Application |
|---|---|---|---|
| **8** | **Central Coast Plateau Areas** | Aims to implement the state's urban consolidation policy. | **Does not apply to Cumberland LGA** Applies to nominated land in the NSW Central Coast. |
| **9** | **Extractive Industry No. 2 1995** | Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area. | **Applies to the Cumberland LGA** The land to which the proposal applies is not affected by this deemed SEPP. |
| **16** | **Walsh Bay** | Aims to regulate the use and development of the Walsh Bay area. | **Does not apply to Cumberland LGA** |
| **18** | **Public transport corridors** | Aims to protect provision for future public transport facilities. | **Does not apply to Cumberland LGA** |
| **19** | **Rouse Hill Development Area** | Aims to provide for the orderly and economic development of the RHDA. | **Does not apply to Cumberland LGA** |
| **20** | **Hawkesbury Nepean** | Aims to protect the Hawkesbury-Nepean River System. | **Does not apply to Cumberland LGA.** |
| **24** | **Homebush Bay Area** | Aims to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area | **Does not apply to the Cumberland LGA.** |
| **26** | **City West** | Aims to promote the orderly and economic use and development of land within City West. | **Does not apply to the Cumberland LGA.** |
| **30** | **St Marys** | Aims to support the redevelopment of St Marys by providing a framework for sustainable development. | **Does not apply to the Cumberland LGA.** |
| **33** | **Cooks Cove** | Establishes the zoning and development controls for the Cooks Cove site. | **Does not apply to the Cumberland LGA.** |

| No | Title | Summary | Application |
|---|---|---|---|
| | **Sydney Harbour Catchment 2005** | Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole. | **Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River.**<br><br>Applies to some land within the Cumberland LGA.<br><br>**Consistent** |

## Section 117 Directions

| Direction | | Consistency |
|---|---|---|
| **1.** | **Employment and Resources** | |
| 1.1 | Business and Industrial Zones | Not applicable<br>The site to which the proposal applies seeks to permit an 'educational establishment' within an IN2 light Industrial zone.<br>The proposal does not rezone the land or result in a loss of locally significant isolated small parcel of employment land within the Cumberland LGA which forms part of *Precinct 1 - Queen Street*. The land is also categorised as 'Category 3 land that could be investigated for alternative uses' under *Auburn ELS 2015* (p.15 and p.6). There is also no loss of jobs since the proposal generates approximately 50 jobs. |
| 1.2 | Rural Zones | Not applicable |
| 1.3 | Mining, Petroleum Production and Extractive Industries | Not applicable |
| 1.4 | Oyster Aquaculture | Not applicable |
| 1.5 | Rural Lands | Not applicable |
| **2.** | **Environment and Heritage** | |
| 2.1 | Environment Protection Zones | **Not Applicable** |
| 2.2 | Coastal Protection | Not applicable |
| 2.3 | Heritage Conservation | **Consistent**<br>The site to which the proposal applies is located near environmental heritage items (I40 and I41) under the *Auburn LEP 2010.*<br>The site to which the additional permissible use applies is already developed with an existing building, and is unlikely to create any impacts on its surrounds given the proposed additional use would be introduced via change of use at the DA stage.<br>The proposal does not seek to amend the zoning nor the principal development standards since the proponent has agreed to reduce the propose FSR of 1.2:1 to 1:1. |
| 2.4 | Recreation Vehicle Areas | Not applicable |
| 2.5 | Application of E2 and E3 Zones and Environmental Overlays in Far North Coast | Not applicable |

| Direction | Consistency |
|---|---|
| LEPs | |
| **3. Housing, Infrastructure and Urban Development** | |
| 3.1 Residential Zones | Not applicable<br>The site to which the proposal applies seeks to rezone industrial zoned land. |
| 3.2 Caravan Parks and Manufactured Home Estates | Not applicable |
| 3.3 Home Occupations | **Consistent**<br>Does not change the permissibility of home occupations. |
| 3.4 Integrating Land Use and Transport<br>*What a relevant planning authority must do if this direction applies*<br>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:<br>(a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*, and<br>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).<br>*Consistency*<br>A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning, Industry and Environment (or an officer of the Department nominated by the Director-General) that the provisions of the Planning Proposal that are inconsistent are:<br>(a) justified by a strategy which:<br>(i) gives consideration to the objective of this direction, and<br>(ii) identifies the land which is the subject of the Planning Proposal(if the Planning Proposal relates to a particular site or sites), and<br>(iii) is approved by the Director-General of the Department of Planning, or<br>(b) justified by a study prepared in support of the Planning Proposal which gives consideration to the objective of this direction, or<br>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning, Industry and | **Consistent**<br>The site to which the proposal applies is located approximately 750-800 metres from Auburn Town Centre and Railway Station.<br><br>The site is serviced by existing Sydney and Transdev bus transport services and cycle routes which can be accessed within 5-20 minutes walking distance from the site.<br><br>The proposal is broadly consistent with the objectives and principles of the mentioned DP&E policies. The land to which the proposal applies is developed and seeks a proposed additional use site to introduce an educational establishment within an existing IN2 Light Industrial zone.<br><br>The revised Transport Impact Assessments prepared by GTA are at **Appendix 8**, tests the site's traffic and transport impacts for the proposed additional use.<br><br>Any relevant agency stakeholders would be consulted at the Gateway should this proposal proceed. |

| Direction | | Consistency |
|---|---|---|
| | Environment which gives consideration to the objective of this direction, or | |
| (d) | of minor significance. | |
| 3.5 | Development Near Licensed Aerodromes | Not applicable |
| 3.6 | Shooting Ranges | Not applicable |
| **4.** | **Hazard and Risk** | |
| 4.1 | Acid Sulphate Soils | **Consistent** |
| 4.2 | Mine Subsidence and Unstable Land | Not applicable |
| 4.3 | Flood Prone Land | Inconsistent<br>The site to which the proposed additional use (educational establishment) applies is partially affected by flooding under ALEP 2010 flood planning map (refer to 2.5.4) and includes a Probable Maximum Flood Level of 13.2.<br>The proponent has provided a revised flood impact assessment for the proposal's assessment (refer to **Appendix 10**).<br>Council officers are of the view that this information is considered as essential for the proposal's assessment to meet flood risk management requirements as per Stormwater Drainage part of Council's *Auburn DCP 2010* (refer to Tables 5 and 6).<br>The proposed additional use is proposed within the site's existing building and does not seek a zoning change to the existing zone ( IN2 Light Industrial) though it seeks a FSR increase of 1:1 to 1.2:1. Any likely impacts anticipated as result, of the proposed development on site would be mitigated at the DA stage.<br>Any likely issues or matters that would need to be assessed by Council for this proposal request would be dealt to Council's satisfaction subject to the proposal being supported by Council. |
| 4.4 | Planning for Bushfire Protection | Not applicable |
| **5.** | **Regional Planning** | |
| 5.1 | Implementation of Regional Strategies | Not applicable |
| 5.2 | Sydney Drinking Water Catchments | Not applicable |
| 5.3 | Farmland of State and Regional Significance on the NSW Far North Coast | Not applicable |

| Direction | Consistency |
|---|---|
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable |
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010) | Not applicable |
| 5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) | Not applicable |
| 5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1) | Not applicable |
| 5.8 Second Sydney Airport: Badgerys Creek | Not applicable |
| 5.9 North West Rail Link Corridor Strategy | Not applicable |
| 5.10 Implementation of Regional Plans | The proposed additional use (educational establishment) applies to a site which has been already been developed with an existing building.<br><br>The proposal is consistent with *draft Greater Sydney Regional Plan's* Objective 6 – services and infrastructure meet communities' changing needs (p.40).<br><br>The draft Sydney regional plan recognises schools as essential infrastructure that is required to be provided with population growth in an area.<br><br>The proposal is consistent with the *Draft District Plan* priority/ actions below:<br><br>**4.0 Liveable City**<br><br>4.8.2 Plan to meet the demand for school facilities (p.130)<br><br>Action L17: Support planning for school facilities (p. 131).<br><br>**3.0 A Productive City**<br><br>3.7 Attracting employment and urban services (p.71)<br><br>Productivity Priority 9 -Protect and support employment and urban services land (p.73)<br><br>The proposal is further consistent with the *draft revised Central City District Plan's* themes and priorities below:<br><br>**3.0 Liveability**<br>Planning priority C3 - providing services and social infrastructure to meet people's changing needs (p.24). |

| Direction | Consistency |
|---|---|
| | **4.0 Productivity**<br>Planning priority C10 – Growing investment business opportunities and jobs in strategic centres (p.60) |
| **6. Local Plan Making** | |
| 6.1 Approval and Referral Requirements | Not applicable. |
| 6.2 Reserving Land for Public Purposes | Not applicable. |
| 6.3 Site Specific Provisions | **Consistent**<br>The land to which the proposal applies proposes to introduce an additional permissible use and amend site's existing FSR from 1:1 to 1.2.<br><br>Should the proposed proposal is supported by Council and proceed to Gateway the proponent would be required to prepare site specific provisions for the site if any principal development standards are amended.<br><br>Should the proponent decide to maintain the FSR as 1:1 with no changes to the building height specific provisions no site specific conditions would be required. |
| ***A Plan for Growing Sydney*** | |
| 7.1 Implementation of *A Plan for Growing Sydney* | The proposal is consistent with the following action:<br><br>Action L17: Support Planning for school facilities (p. 131)<br><br>Refer to **Appendix 19** for more information. |
| 7.2 Implementation of Greater Macarthur Land Release Investigation | Not applicable. |
| 7.3 Parramatta Road Corridor Urban Transformation Strategy | The site to which the proposal applies is not situated within land affected by the *Parramatta Road Corridor Urban Transformation Strategy.* |
| 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan | Not Applicable. |

# Appendix 22: Referral comments to Council dated 4 Dec 2018 (RMS and TfNSW)

(Note this referral also includes Transport for NSW comments as well).

T092630/2018

# Appendix 23: NSW Rail submission objecting to proposed Church St link

T091817/2019

# Appendix 24: Summarised 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 | I. Anmak | 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.<br>• 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 | Z. Anmak | Auburn | In support | • Same comments as above. | Submission is noted. |
| 03. | 19 July 2019 | T. Varol | Auburn | In support | • States the proposed school needs to be approved. | Submission is noted. |
| 04. | 19 July 2019 | S. Anmak | Auburn | In support | • States that due to rapidly growing population, there is definitely an increasing need for more schools in our area.<br>• Supports the idea of a new school at this location and believe it will be of huge benefit.<br>• 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 | Bilal | 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.<br>• 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 | O.E. Boyaci | Auburn | In support | • Same comments as above. | Submission is noted. |
| 07. | 19 July 2019 | B. Demirci | Regents Park | In Support | • Same comments as above. | Submission is noted. |
| 08. | 19 July 2019 | H.Yasar | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 09. | 19 July 2019 | N. Caliskan | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 10. | 19 July 2019 | M. Haliloglu | Auburn | In support | • Same comments as above. | Submission is noted. |
| 11. | 19 July 2019 | E. Caliskan | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 12. | 19 July 2019 | A. Haliloglu | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 13. | 19 July 2019 | H. Yasar | 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 | A. Asaroglu | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 15. | 19 July 2019 | U. Asaroglu | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 16. | 19 July 2019 | S. Yasar | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 17. | 19 July 2019 | A. Ozdogan | Potts Hill | In support | • Same comments as above. | Submission is noted. |
| 18. | 19 July 2019 | S. Ozdogan | Potts Hill | In support | • Same comments as above. | Submission is noted. |
| 19. | 19 July 2019 | H. Ozdogan | Potts Hill | In Support | • Same comments as above. | Submission is noted. |
| 20. | 19 July 2019 | M. Nart | 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 | S. Yilmaz | Auburn | In Support | • Considers support for the school to operate from 2 Percy St, Auburn NSW 2144.<br>• 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 | A Ylimaz | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 23. | 19 July 2019 | K Yilmaz | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 24. | 19 July 2019 | Kubra | Auburn | In Support | • Same comments as above. | Submission is noted. |
| 25. | 19 July 2019 | Aysegul | Lidcombe | In Support | • Same comments as above. | Submission is noted. |
| 26. | 20 July 2019 | Adem Cetinay | Bossley Park | In Support | • Fully supports the application of Gallipoli Education Solutions Limited for this School in Auburn.<br>• A reputable educational facility of high quality such as Gallipoli Education Solutions Limited is a necessity.<br>• 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 | Aran Cetinay | Bossley Park | In Support | • Considers fully supporting this application. | Submission is noted. |
| 28. | 20 July 2019 | M. Cetinay | Bossley Park | In Support | • Supports the application by Gallipoli Education Solutions Limited. | Submission is noted. |
| 29. | 20 July 2019 | R. Cetinay | Bossley Park | In Support | • Confirms totally supporting this application. | Submission is noted. |
| 30. | 20 July 2019 | Ahmet Cetinay | 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 | Ayse Cetinay | Bossley Park | In Support | • Supports the proposal application lodged by Gallipoli Education Solutions Limited. | Submission is noted. |
| 32. | 20 July 2019 | E. Kose | 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 | Ebru Cetinay | Bossley Park | In Support | • Supports the application by Gallipoli Education Solutions Limited. | Submission is noted. |
| 34. | 20 July 2019 | O. Goreli | 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 | I. Goreli | Auburn | - | • No comment is included for objection or support. | Submission is noted |
| 36. | 20 July 2019 | H. Aslan | 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 | G. Akbar | Prestons | In Support | • Considers support for the school to operate from 2 Percy St, Auburn NSW 2144.<br>• 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 | A. Adalis | 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 | M. Comert | Auburn | In Support | • Acknowledges support for the school mostly needed in the area. | Submission is noted. |
| 40. | 21 July 2019 | E. Eyvaz | Auburn | In Support | • Supports the planning proposal. | Submission is noted. |
| 41. | 21 July 2019 | Y. Eyvaz | Auburn | In Support | • Supports the planning proposal. | Submission is noted. |
| 42. | 21 July 2019 | I. Eyvaz | Auburn | In Support | • Supports the planning proposal. | Submission is noted. |
| 43. | 21 July 2019 | S. Eyvaz | Auburn | In Support | • Supports the planning proposal. | Submission is noted. |
| 44. | 21 July 2019 | B. Basafaca | Auburn | In Support | • Supports the proposal for the new school in Auburn. | Submission is noted. |
| 45. | 21 July 2019 | Bedile Basafaca | Auburn | In Support | • Acknowledges having a new school in Auburn. | Submission is noted. |
| 46. | 21 July 2019 | E. Basafacan | Auburn | In Support | • Supports the school to be made available for children. | Submission is noted. |
| 47. | 21 July 2019 | K. Taner | Granville | In Support | • Supports the school to be built. | Submission is noted. |
| 48. | 21 July 2019 | T. Taner | Granville | In Support | • Acknowledges the school to be local and considers enrolling children. | Submission is noted. |

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 | M. Gencturk | Granville | In Support | • Acknowledges the school to be local and considers enrolling children. | Submission is noted. |
| 50. | 21 July 2019 | B. Taner | Granville | In Support | • Acknowledges the school to be local and considers enrolling children. | Submission is noted. |
| 51 | 21 July 2019 | Berna | Auburn | In Support | • Acknowledges that the school needs to be built. | Submission is noted |
| 52 | 21 July 2019 | Hasan | Auburn | In Support | • Acknowledges that the school is required to be built and approved | Submission is noted |
| 53 | 21 July 2019 | F. Gencturk | Auburn | In Support | • Considers approval of the school for submitter's children | Submission is noted. |
| 54 | 23 July 2019 | S. Kopuz | Lidcombe | In Support | • Considers approval of the school which is needed. | Submission is noted. |
| 55 | 23 July 2019 | A. Kopuz | Lidcombe | In Support | • Considers approval of the school for submitter's children | Submission is noted. |
| 56 | 23 July 2019 | Y. Cifci | Auburn | In Support | • Considers approval of the school for submitter's children | Submission is noted. |
| 57 | 23 July 2019 | F. Acar | Auburn | In Support | • Requests approval of the school. | Submission is noted. |
| 58 | 23 July 2019 | S. Acar | Auburn | In Support | • Considers that the development is supported. | Submission is noted. |
| 59 | 26 July 2019 | M. Yaseen | 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 | E. Bedir | Auburn | In Support | • Supports the opening of the school | Submission is noted. |
| 61. | 27 July 2019 | A. Zafar | 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 | S. Ada | 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 | M. Akdogan | 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 | A. Comert | Merrylands | In Support | • Considers support for the school to operate from 2 Percy St, Auburn NSW 2144.<br>• 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 | F. Gedik | 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 | M. Ciyim | 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. | |

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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 |
|---|---|---|---|---|---|---|
| 67. | 27 July 2019 | Feride | 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 | A. Sama | Auburn | In Support | • Agrees and supports the proposal. | Submission is noted. |
| 69. | 27 July 2019 | A. Kose | 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 | B. Ada | Lidcombe | In Support | • Considers support for the school to operate from 2 Percy St, Auburn NSW 2144.<br>• 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 | R. Lawama | Parramatta | In Support | • Considers support for the school and send kids to the new school | Submission is noted. |
| 72. | 27 July 2019 | E. bostanci | 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.<br>• Considers that the school will accommodate the need to cater for the growing population of children in the area. | |
| 73. | 27 July 2019 | Y. Kiray | Auburn | In Support | • Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144.<br>• 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 | G. Durdu | Auburn | In Support | • Prefers support for the International Maarif school to be opened in Auburn. | Submission is noted. |
| 75. | 28 July 2019 | U. Asaroglu | Auburn | In Support | • Considers support for approving the project for future generations. | Submission is noted. |
| 76. | 28 July 2019 | A. Simsek | Auburn | In Support | • Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144.<br>• 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 | Rose | 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 | Dilek | Auburn | In Support | • Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144.<br>• States the new school will accommodate the need to cater for the growing population of children in the area. | Submission is noted. |

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 | E. Ersoy | Auburn | In support | • Same as above. | Submission is noted. |
| 80. | 30 July 2019 | B. Karaca | Aarons Pass | - | • No comments are included for objection or support. | Submission is noted. |
| 81. | 30 July 2019 | R. Goreli | Auburn | In Support | • Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144.<br>• 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 | F. Vatan | 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.<br>• 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 | O. F. Akdemir | Lidcombe | In Support | • Considers support for the school to operate from 2 Percy Street, Auburn NSW 2144.<br>• 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 | H. Aslan | Chester Hill | In Support | • Informs that children and parents are awaiting the approval of the International Maarif School.<br>• Considers the proposed school location will reduce travel time for the children.<br>• 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 | G. Demiryurek | Auburn | In Support | • Considers support for the school to operate from 2 Percy Street Auburn NSW 2144.<br>• 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 | S. Elmobayad | Guilford West | In Support | • Acknowledges that daughter attends the Maarif International in Turella.<br>• The proposed new school at Percy Street is likely to reduce travel time for children by 2 hours and provide great learning opportunities.<br>• 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 | E. Disikirik | Auburn | In Support | • Considers supporting the Planning proposal for 2 Percy St Auburn NSW 2144.<br>• 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. |

**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 | M. Korkut | South Granville | In Support | • Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in Auburn Review local newspaper.<br>• Informs that a school is required for the growing population of children in the region. | Submission is noted. |
| 89. | 2 Aug 2019 | H. Korkut | South Granville | In Support | • Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in Auburn Review local newspaper.<br>• Informs that a school is required for the growing population of children in the region. | Submission is noted. |
| 90. | 2 Aug 2019 | G. Kiran | South Granville | In Support | • Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in the local newspaper.<br>• Informs that a school is essential for the growing population of children in the region.<br>• Families are waiting for the new school to be opened. | Submission is noted. |
| 91. | 2 Aug 2019 | S. Kiran | South Granville | In Support | Same comments as above. | Submission is noted. |
| 92. | 2 Aug 2019 | M. Karaaslan | Lidcombe | In Support | Same comments as above. | Submission is noted. |
| 93. | 2 Aug 2019 | N. Karaaslan | Lidcombe | In Support | Same comments as above. | Submission is noted. |
| 94. | 2 Aug 2019 | I. Akcan | Lidcombe | In Support | Same comments as above. | Submission is noted. |
| 95. | 2 Aug 2019 | S. Akcan | Lidcombe | In Support | • Considers support for the school located at 2 Percy St Auburn NSW 2144 as advertised in the local newspaper.<br>• Informs that a school is essential and important for the growing population of children in the region. | Submission is noted. |
| 96. | 2 Aug 2019 | M. Eyvaz | Auburn | In Support | Same as above. | Submission is noted. |
| 97. | 2 Aug 2019 | E. Eyvaz | Auburn | In Support | Same as above. | Submission is noted. |
| 98. | 2 Aug 2019 | S. Yilmaz | Lidcombe | In Support | Same as above. | Submission is noted. |
| 99. | 2 Aug 2019 | F. Yilmaz | Lidcombe | In Support | Same as above. | Submission is noted. |
| 100. | 2 Aug 2019 | O. Ozen | Regents Park | In Support | Same as above. | Submission is noted. |
| 101. | 2 Aug 2019 | K. Kizildag | Regents Park | In Support | Same as above. | Submission is noted. |
| 102. | 2 Aug 2019 | S. Ozen | Regents Park | In Support | Same as above. | Submission is noted. |
| 103. | 2 Aug 2019 | E. Kizildag | Regents Park | In Support | Same as above. | Submission is noted. |

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 | K. Yalim | 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 | T. Ozen | Regents Park | In Support | Same as above. | Submission is noted. |
| 106. | 2 Aug 2019 | L. Karahasanoglu | Auburn | In Support | Same as above. | Submission is noted. |
| 107. | 2 Aug 2019 | A. Karahasanoglu | Auburn | In Support | Same as above. | Submission is noted. |
| 108. | 2 Aug 2019 | E. Genel | Auburn | In Support | Same as above. | Submission is noted. |
| 109. | 2 Aug 2019 | F. Cigim | Auburn | In Support | Same as above. | Submission is noted. |
| 110. | 2 Aug 2019 | M. Cigim | Auburn | In Support | Same as above. | Submission is noted. |
| 111. | 2 Aug 2019 | I. Cigim | Auburn | In Support | Same as above. | Submission is noted. |
| 112. | 2 Aug 2019 | S. Cigim | Auburn | In Support | Same as above. | Submission is noted. |
| 113. | 3 Aug 2019 | F. Atan | 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 | U. Atan | 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 | S. Liv | Auburn | In Support | • Considers support for the school. | Submission is noted. |
| 116. | 3 Aug 2019 | Yildiz | 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 | H. Cetiner | Eastlakes | In Support | • Acknowledges that the proposed school is conveniently located and considers supporting the proposal. | Submission is noted. |
| 118. | 13 Aug 2019 | H. Ozdemir | Stanhope Gardens | In Support | • Considers approval and support for the proposal.<br>• 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 | N. Ozalp | 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 | H. Ozalp | Guilford West | In Support | Same as above. | Two submissions are 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 |
|---|---|---|---|---|---|---|
| 121. | 13 Aug 2019 | A. Mirza | Auburn | In Support | Considers support for the proposed school. | Submission is noted. |
| 122. | 14 Aug 2019 | A. Urzun | 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 | O. El meceey | Lidcombe | In Support | Same as above. | Submission is noted. |
| 124. | 14 Aug 2019 | E. Niazi | Lidcombe | In Support | Same as above. | Submission is noted. |
| 125. | 14 Aug 2019 | M. el mecery | 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 | O. el mercery | Yagoona | In Support | Same as above. | Submission is noted. |
| 127. | 14 Aug 2019 | U. Ahmad Niazi | Auburn | In Support | Same as above. | Submission is noted. |
| 128. | 14 Aug 2019 | E. Uybadin | Mascot | In Support | Considers support for the proposed new school. | Submission is noted. |
| 129. | 14 Aug 2019 | M. Junaid | 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 | F. Farah | 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 | E. seyrek | Botany | In Support | Considers support for the proposed new school. | Submission is noted. |
| 132. | 14 Aug 2019 | A. Sama | 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 | R.G. Khan | Sefton | In Support | Considers support for the proposed new school. | Submission is noted. |
| 134. | 14 Aug 2019 | S. akdemir | Lidcombe | In support | Considers support for the proposed new school. | Submission is noted. |
| 135. | 14 Aug 2019 | H. K hasgul | Auburn | In support | Considers support for the proposed new school. | Submission is noted. |
| 136. | 14 Aug 2019 | F. Kalyar | Guildford | In support | Considers support for the proposed new school. | Submission is noted. |
| 137. | 14 Aug 2019 | E. Sama | Auburn | In support | Considers support for the proposed new school. | Submission is noted. |
| 138. | 14 Aug 2019 | F. Sama | Auburn | In Support | Considers support for the proposed new school. | Submission is noted. |
| 139. | 14 Aug 2019 | O. Sama | Auburn | In Support | Considers support for the proposed new school. | Submission is noted. |
| 140. | 14 Aug 2019 | B. Cetiner | Eastlakes | In Support | Considers support for the proposed new school. | Submission is noted. |
| 141. | 14 Aug 2019 | A. Yildiz | Auburn | In Support | Considers support for the proposed new school. | 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 |
|---|---|---|---|---|---|---|
| 142. | 14 Aug 2019 | Ying Ha | Lidcombe | In Support | Considers support for the proposed new school. | Submission is noted. |
| 143. | 14 Aug 2019 | E. Badra | Auburn | In Support | Considers support for the proposed new school. | Two submissions are noted. |
| 144. | 14 Aug 2019 | M. Sanli | Auburn | In Support | Considers support for the proposed new school. | Submission is noted. |
| 145. | 14 Aug 2019 | N. Aygun | Merrylands | In Support | Considers support for the proposed new school and will reduce travel time for children. | Submission is noted. |
| 146. | 15 Aug 2019 | R. Sonmez | Auburn | In Support | Considers support for the proposed new school and will reduce travel time for children. | Submission is noted. |
| 147. | 15 Aug 2019 | A. Sonmez | Auburn | In Support | Considers support for the proposed new school and will reduce travel time for children. | Submission is noted. |
| 148. | 15 Aug 2019 | M. E Samli | Yagoona | In Support | Considers support for the proposed new school. | Submission is noted. |
| 149. | 15 Aug 2019 | H. Uzum | 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 | I. Uzunoglu | Granville | In Support | Considers support for the proposed new school. | Submission is noted |
| 151. | 15 Aug 2019 | A. Uzunoglu | Granville | In Support | Considers support for the proposed new school. | Submission is noted. |
| 152. | 15 Aug 2019 | V. Uzunoglu | Granville | In Support | Considers 100% support for the proposed new school. | Submission is noted. |
| 153. | 15 Aug 2019 | S. Aydin | Granville | In Support | Considers 100% support for the proposed new school. | Submission is noted. |
| 154. | 15 Aug 2019 | F. Er | Granville | In Support | Considers support for the proposed new school. | Submission is noted. |
| 155. | 15 Aug 2019 | D. Er | Granville | In Support | Considers support for the proposed new school. | Submission is noted. |
| 156. | 15 Aug 2019 | L. Birer | Auburn | In Support | Considers support for the planning proposal proposing a school. | Submission is noted. |
| 157. | 15 Aug 2019 | D. Savrin | Auburn | - | No comment. | Submission is noted. |
| 158. | 15 Aug 2019 | N. chehaita | Auburn | In Support | Considers strong support for the school in the local area. | Submission is noted. |

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 | Z. Hasgul | 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 | O. Hasgul | Chester Hill | In Support | Considers strong support for the school in the local area. | Submission is noted. |
| 161. | 15 Aug 2019 | K. Hasgul | 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 | N. Karahasanoglu | 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 | H. Khan | Guilford West | In Support | Same as above. | Submission is noted. |
| 164. | 18 Aug 2019 | T. mccabe | Guildford West | In Support | Same as above.<br><br>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 | T. Uybadin | 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

# Appendix 25: Agency submissions received

NSW crown land

---------- Forwarded message ----------
From: Mohammed Rahman <mohammed.rahman@crownland.nsw.gov.au>
To: harinee.desifva@cumberland.nsw.gov.au, Paul Layt <paul.layt@crownland.nsw.gov.au>, Mohammed Rahman <mohammed.rahman@crownland.nsw.gov.au>
Cc:
Bcc:
Date: Tue, 13 Aug 2019 12:35:08 +1000
Subject: Re: [e. Client Enquiry BC Referral] Client Enquiry 233502 concerning Other Harinee De Sifva
Harinee,
A Land status investigation on 2 percy street, Auburn, Lots14,15 & DP 2647
shows that there is no crown land features exist.
Therefore, No comments from crown land. thank you.
Have a good day.
Regards,

*Mohammed Rahman Natural Resource Management Officer Regional Services*

Crown Lands | Department of Planning, Industry and Environment
*T* 02 9842 8331 | *E* mohammed.rahman@crownland.nsw.gov.au
Level 11, 10 Valentine Avenue, Parramatta NSW 2150

PO Box 2185 Dangar NSW 2309
www.dpie.nsw.gov.au

Planning, Industry & Environment

Our ref: DOC19/628010
Your ref: PP-2/2017

Ms Harinee De Silva

Cumberland Council

PO Box 42

MERRYLANDS NSW 2160

Dear Ms De Silva

**Subject: EES comments on Planning Proposal – 2 Percy Street Auburn**

Thank you for your email of 18 July 2019 requesting advice from the former Office of Environment and Heritage (OEH) in relation to the planning proposal. Please note, OEH responsibilities and functions have been transferred to the Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment.

EES has reviewed the planning proposal and provides its recommendations and comments at Attachment A.

Please note, in relation to Aboriginal cultural heritage, EES has decided not to provide comments at this time. This does not represent EES support for the proposal and this matter may still need to be considered by the consent authority.

If you have any queries regarding this matter, please contact Janne Grose, Senior Conservation Planning Officer on 8837 6017 or at janne.grose@environment.nsw.gov.au

Yours sincerely,

S. Harrison 14/08/19

Susan Harrison
**Senior Team Leader Planning**
**Greater Sydney Branch**
**Climate Change and Sustainability**

CC: Iona Cameron, Department of Planning, Industry & Environment

Planning, Industry & Environment

**Attachment A**

**EES comments on Planning Proposal – 2 Percy Street Auburn**

The Environment, Energy and Science Group (EES) has reviewed the Planning Proposal report (PPR) – 8 July 2019 and provides the following comments.

The Planning Proposal seeks to amend the Auburn Local Environmental Plan 2010 (LEP) to introduce 'educational establishment' as an additional permissible use in the IN2 Light Industrial Zone. It does not propose any changes to the existing IN2 zoning but introduces 12m maximum height of buildings permissible under the LEP as resolved by council. It seeks to retain the existing FSR of 1:1 under the LEP (page 5 of PPR).

**Biodiversity/Open Space**

EES notes the Planning Proposal is not consistent with the State Significant Development (SSD 8926) at this site in relation to the number of students and staff that are proposed to attend the new school, for example:

- the current updated planning proposal intends to provide for a new school of 650 students and 50 staff (section 1.1, page 5 of the PPR)

- the Department of Planning, Industry and Environment's major project planning portal for SSD 8926 indicates the development is for up to 728 students and 58 teaching staff (https://www.planningportal.nsw.gov.au/major-projects/project/10706). EES notes this SSD is currently at Response to Submissions stage according to the major project planning portal.

The proponent needs to clarify the proposed number of students and staff, as there appears to be an unresolved issue as to whether adequate open space can be provided at the site for the proposed number of students, for example:

- The original Planning Proposal which was lodged on 19 May 2017 intended to provide for 650 students and 50 staff (section 1.2, page 6).
- Appendix 15 to the Planning Proposal (Council's post lodgement comments of 5 June 2017) indicates "*the proposed site's masterplan shows the adjacent Wyatt Park as a 'playground' which is note the case*". It notes Wyatt Park is a district open space and that privatised use of a council facility of this nature is unlikely to be supported (page 59).
- Minutes of the Cumberland Independent Hearing & Assessment Panel (dated 9 August 2017) recommend the proponent submit "*a revised development concept and additional information that shows that adequate open/play space can be provided on the site and this may require a reduction in student and staff numbers*".
- Council raised concern in response to the proponent submitting additional information on 18 October 2017 "*that active open space requirements proposed for the proposed use and the student population would need to be considered primarily on-site rather than relying on Wyatt Park*" (section 1.3, page 8-9).
- The Extraordinary Cumberland Local Planning Panel meeting of 20 June 2019 advises the Council that "*the proposed student population together with teachers and support staff appears to be an excessive scale of development given the size and constraints of the site and the locality*".

When compared to the original Planning Proposal which was lodged on 19 May 2017, the current Planning Proposal has not reduced the proposed number of students and staff, while the SSD is proposing to increase the number of students and staff.

It is important the proponent clarifies whether there is adequate open space area on the site to avoid placing pressure on existing open space areas in the local area. Based on the information provided in the PPR it would appear the school initially proposed to use Wyatt Park which is located opposite the site for open space purposes. If there is insufficient open space on the site and Wyatt Park is not available for use by the school, EES is concerned the proponent could seek to use other local space in the locality.

The next largest area of open space that is in proximity to the site is located along the Duck River, approximately 1.7 km from the site. The parkland along Duck River could potentially be affected by the cumulative impact of increasing the number of people using it for open space purposes. Increasing the usage along the Duck River corridor would place pressure on it and impact native flora and fauna and the biodiversity values of this area. The Duck River corridor is mapped on the Biodiversity Values Map which identifies land with high biodiversity values as defined by the Biodiversity Conservation Regulation 2017, see https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap.

Duck River provides a corridor linkage to the Parramatta River. EES considers it is important that remnant vegetation along the river is protected and enhanced and not degraded by excessive use.

**Urban tree canopy cover**

The site occurs within an area covered by the Greater Sydney Commission's Central City District Plan (CCDP) and includes Planning Priority C16 to increase urban tree canopy cover and deliver green grid connections. The Planning Priority outlines the NSW Government's target to increase tree canopy cover across Greater Sydney to 40 per cent. EES recommends the development is consistent with this Planning Priority C16.

The former OEH provided a submission on the SSD for the site. As the SSD indicates the project will require the removal of existing trees and the planting of new trees, it is recommended the propnent clarifies the number of trees proposed to be removed, the number of trees that are proposed to be planted at the site to increase the urban tree canopy, the species to be planted and the location.

The numerous benefits of urban tree canopy cover are noted in the CCDP including green cover assists to:

- mitigate the urban heat island effect
- support cleaner air
- provide local habitat
- slow and store stormwater and improve water quality and filter pollution before it reaches the District's waterways.

**Site Landscaping**

EES recommends the site landscaping uses a diversity of local native plants from the relevant local native vegetation community that once occurred in this locality (rather than use non-local native species and exotic plant species) to improve biodiversity. The plants should be propagated from locally sourced seeds to ensure genetic integrity. Using local genetic plant material has numerous environmental benefits. Details should be provided on:

- the native vegetation community and plant species that once occurred on the site
- a list of local provenance species (trees, shrubs and groundcovers) to be used in the site landscaping
- the location and number of trees and other plants that are proposed to be planted.

**Flood**

The former OEH provided the following comments on the SSD for this site in September 2018:

> *"The site is within the Haslam's Creek catchment and from the Auburn Flood Risk Precinct Map is subject to some inundation within the PMF in the north east corner only. All floor levels are more than 1m above the PMF level.*
>
> *Evacuation of the site in a large event would not be an issue as it has rising road access and as only part of the site is inundated there is pedestrian access to flood free land. As stated in Appendix B Flood Response to Council Letter "Safe and reliable evacuation from the site can be achieved via North Parade or St Hillers".*

In addition to the above comments, it should be noted that the Haslams Creek Floodplain Risk Management Study and Plan (2003) and the Architecture Interior Master planning drawing indicate:

- the north-east section of the site, which includes part of the proposed building footprint is located between flood planning level and the PMF flood (i.e. within the low flood risk precinct) and
- there is a proposed on-street drop-off/pick up zone and a new entry and exit driveway to carpark via Percy Street which is within the low flood risk precinct (i.e. subject to inundation for floods rarer than 1% AEP up to the PMF).

Given the vulnerability of the proposed land use to flood risk, it should be classified under critical utilities as per Council's Floodplain Risk Management Plan. The Plan requires specific evacuation controls for critical utilities within the low flood risk precinct, which include the requirement for a reliable access for pedestrians and vehicles during the PMF and demonstration of consistency with any relevant DISPLAN or flood evacuation Strategy.

Therefore, it is recommended that a site emergency response plan is prepared, including safety signs, in relation to the area within the low risk precinct at the school site and at Percy Street at the east and north-east corner of the site. The preparation and implementation of an emergency response plan will help ensure the safety of students, teachers, parents, carers and other members of the school community.

(END OF SUBMISSION)

# Appendix 26: Summarised Agency 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**<br><br>**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.<br><br>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.<br><br>The EES raises the following additional matters in light of the SSD:<br>• Provision of adequate play or open space<br>• Urban tree canopy cover issues<br>• Site landscaping<br>• 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*.<br><br>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.<br><br>---<br><br>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.<br><br>Council acknowledges the concerns raised and notes that these matters would need to be addressed as part of the SSD application. |