



20 September 2018

Our Reference PP-2/2017  
Contact Harinee deSilva  
Telephone 8757 9949

Iona Cameron  
Senior Planner  
Department of Planning and Environment  
GPO Box 39 Sydney, NSW 2001

Dear Iona,

**RE: EXHIBITION OF STATE SIGNIFICANT DEVELOPMENT (SSD 8926) FOR 2 PERCY STREET, AUBURN**

Thank you for providing the opportunity to comment on the exhibition of the proposed State Significant Development - SSD 8926 (new K-12 school) at 2 Percy Street, Auburn.

**Background**

In May 2017, a planning proposal request was lodged by the same proponent with Council to amend the *Auburn Local Environmental Plan 2010* to permit an educational establishment on site and amend the maximum floor space ratio for the site from 1:1 to 1.2:1.

Following consideration of the planning proposal by the Cumberland's Independent Hearing and Assessment Panel on 9 Aug 2017 (Item C029/17), the matter was reported to the Council meeting on 6 September 2017 [Item 154/17]. The minutes and report of Council's meeting can be accessed at <https://www.cumberland.nsw.gov.au/business-documents>

Following this, Council prepared and submitted a planning proposal for the subject site (PP-2/2017) with the Department of Planning and Environment (DP&E) for a Gateway Determination. On February 2018, the DP&E issued a Gateway Determination for the planning proposal.

The planning proposal lodged and the Gateway Determination issued for the proposal can be viewed at Department's LEP tracking web link under <http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5188>

**SSD Issues**

The following issues are raised with regards to the assessment requirement for the proposed development of a new primary and secondary school on site.

**1. Permissibility/Consistency of proposal**

In relation to the proposed SSD lodged, the subject site's current IN1 Light industrial zoning prohibits 'educational establishments' as a permissible use under *Auburn Local*

*Environmental Plan 2010 (Auburn LEP 2010)*, though an educational establishment is proposed on site.

The proposed SSD is not permitted under the provisions of the *SEPP (Educational Establishment and Child Care Facilities) 2017*.

However, the Planning Proposal lodged for the site (PP-2/2017) proposes an 'educational establishment' (K-12) as an additional permissible use to amend the Auburn LEP 2010 for the site is currently not exhibited, made or notified as per the Gateway Determination issued.

The planning proposal request lodged for the site's development was for an educational establishment with a population of 650 students and 50 staff via the adaptive reuse of existing buildings. This was the relevant scenario considered for Council's assessment of the planning proposal.

Council notes that the SSD lodged is currently proposing to demolish the existing buildings on site and re-develop the site on a staged basis for a large school (K-12) including a student population of 728 students and 58 staff which is significantly higher than what was originally proposed for the site within the period between 2019 and 2027.

The SSD further proposes an underground basement for car parking when the site is fully developed and includes the provision of internal play and open space for (primary and secondary school children) on site.

On 14 December 2017, the following issues were raised by Council with the DP&E (when SEARS) was issued for the proposal:

- A. *Submission of a flood impact assessment that is consistent with section 6 of Stormwater Drainage Part of Auburn's Development Control Plan 2010;*
- B. *Provision of adequate play/open space in addition to on-site car parking for the proposed school without relying on Wyatt Park that is considered a 'district level' public open space,*
- C. *Inclusion of a revised proposal with a 1:1 FSR (instead of the originally proposed FSR 1.2:1)*
- D. *Transport Impact Assessment (GTA Oct 2017) - which needs to be further revised in consideration with significant traffic and transport impacts;*
- E. *PMDL's View line review (Oct 2017) and Height of Buildings - illustrates only massing options and requests that no maximum building height limit be applied. However, Council's resolution resolved to apply a 12m maximum building height limit for the site to protect important view lines to the iconic Auburn Gallipoli Mosque. This is further subject to the completion of a broader view line analysis for the precinct.*
- F. ***Letter of offer and VPA - this is subject to be finalised following the completion of Council's traffic and access study for the entire Gelibolu precinct which would inform Council's draft Auburn and Lidcombe Town Centre Strategy.***

Whilst the proposed SSD addresses some of the issues, there is no consistency between the planning proposal lodged with Council and the subject SSD. Specifically, it is noted that highlighted issues above have not been addressed.

## **2. Draft Strategies/Policies/Pending Studies**

The proposed site adjoins Precinct 22 of Council's draft Auburn and Lidcombe Town Centre Strategy (draft strategy) refer to Council's web link at <https://www.cumberland.nsw.gov.au/development/strategic-planning-legislation/strategic-planning>

Council is currently finalising studies for the entire Gelibolu Precinct. Whilst the subject site is not included under the draft strategy, it is noted that the subject site adjoins Precinct 22 and the subject proposal would need to consider and address the impact of the proposal on adjoining proposed R3 Medium Density Residential area with a maximum building height of 9m and 0.75:1 FSR and the proposed development's impact on the existing mosque, adjoining Wyatt Park and the residential aged care facility under construction.

In particular, the following should be noted:

- **Traffic and access study for Gelibolu Precinct** – A draft of this study has recently been completed, and has been circulated to TfNSW and the RMS for review. A copy has also been provided to the proponent. Based on detailed traffic modelling and analysis, this study identifies the required intersection upgrades for this precinct, and models the impact of the proposed school in traffic terms. It will also inform Council's negotiation of the public benefit offer and ultimately a Voluntary Planning Agreement.
- **Detailed view line and building height analysis study** – This has been finalised and informs how the subject site and surrounds should respond to maintaining view lines to the Gallipoli Mosque; and
- **The draft Wyatt Park Plan of Management** - Is currently under finalisation likely to be reported end of 2018 or early 2019 since the Crown Lands Act has been amended.

This draft strategy and studies would need to be considered as essential local studies or strategies when considering the local strategic context of the site.

## **3. Proposed principal development standards**

The proponent has indicated that a staged approach will be adopted in developing the site and has provided architectural plans, sections, elevations, shadow diagrams and a detailed view line analysis with a view to ensuring protection of important views to the Auburn Gallipoli Mosque.

**Note:** Currently, Council has resolved a maximum building height of 12m for the Planning Proposal. The Gateway Determination required Council to consider whether an FSR of 1.2:1 could be considered for the subject site, and this matter is being reported to Council in early October (Council previously resolved to proceed with an FSR of 1:1).

Any proposed development standard beyond the proposed 12m building height or existing 1:1 FSR is considered as a variation to the planning proposal. Currently, the proposed SSD demonstrates a 1.13:1 FSR and a 12.5m building height as a general standard for the proposed state significant development.

#### **4. Built form and view lines**

The proposed view lines, elevations, sections of the development show the relationships to the Gallipoli Mosque but do not indicate how the proposed development's building height compares with the Mosque's existing building height and the existing surrounding residential area. Though the mosque is shown in elevations, it is not clear how the building heights correlate with each other. An elevation along St Hillers Road is also encouraged to be provided showing the existing residential area.

#### **5. Bulk and massing**

It is recommended that the proposed development's bulk and massing be broken down a/better articulated to create a less bulky built form. Currently the proposed development largely mirrors the building envelope of the adjacent residential aged care facility. Since both buildings are elongated and linear in form, it would be favourable if consideration is given to break up the proposed development's bulk and mass to reduce the apparent bulk and create a more interesting streetscape.

#### **6. Location of plant equipment and services**

Thought should be given at an early stage to the location of plant and services (air conditioning) on the upper levels of the proposed development. The services should be proposed to be located in a way that enhances and protects the visual sensitivity and minimises impact of the key view lines to the Mosque from main streets where significant key views of the Mosque are preserved. This includes view from Gelibolu Parade and Kerr Parade and views from Wyatt Park.

#### **7. Play/open space calculations (Ref drawing DA611)**

This drawing does not indicate a percentage or quantify how much active/passive play and open space is proposed for each level of the proposed development. Further, the plans show 'under cover space' and it is not clear if this type of space can be taken as play and/or open space. Clarification of this is recommended.

#### **8. Landscape Design Statement (June 2018)**

The proposed landscape design statement prepared by Taylor Brammer does not demonstrate how the proposed school development is consistent with the 'NSW Design Guide for Schools' for the provision of open and play space.

## **9. *GTA Transport Impact Statement (Aug 2018)***

This statement indicates that the proposed development would be staged and traffic impacts anticipated as a result would occur when each stage of development occur between 2019 and 2027. The first stage is likely to result in lesser impact while stage 3 would result in a maximum traffic impact.

Notwithstanding this, the proposed SSD is considered a 'traffic generating development' as per *SEPP (Infrastructure) 2007*, given the proposed nature and size (student and staff population) of the school.

The recommendations proposed for this report are further subjected to the final relevant recommendations of Council's traffic and access study for Gelibolu Precinct which is to be review by RMS and TfNSW (Refer to Attachment 1 of this letter for further additional comments).

## **10. *Voluntary Planning Agreement (VPA) and proposed Church Street link***

The proponent has offered Council a partial cash contribution towards the proposed Church Street link which is still under consideration. This offer is currently under consideration as part of a Planning Proposal, and nothing more at this stage. Council's traffic modelling of the Gelibolu Precinct indicates that there may be other intersection upgrades that would have a significantly greater impact on the potential traffic impact than this proposed link, and further considered by Council is required before negotiations can progress to the draft Planning Agreement phase.

Though the SSD's traffic and transport statement states the proponent has submitted an indicative drawing and VPA for Council's consideration for the proposed church street link, the proponent has so far not provided Council with an indicative drawing of the proposed link for Council's traffic engineers to consider – and it may not be physically possible to get such a link through. It cannot encroach on Council/Crown land (Wyatt park), and the rail corridor runs along the other side.

In addition, even if Council did consider this offer to be beneficial, and it was possible from an engineering perspective, Council would still need to fund the remainder of Church Street link. As such, there are a number of aspects required further detailed consideration to enable negotiations to progress.

## **11. *Acoustic Assessment report***

The applicant's acoustic impact assessment discusses treatments to minimise acoustic impacts to neighbouring residents from the school and the provision of 2.1m high acoustic fence along the northern boundary where the building adjoins the surrounding residential area.

However, there is no mention of noise attenuation and mitigation methods/measures proposed for the proposed development via design or the treatment of building to mitigate existing railway noise given the proposed development's location from the existing busy western railway line.

## **12. Environmental Assessment (Ref Section 6.4.6)**

The key issue associated with the Planning Proposal is the potential traffic impact and mitigation measures to address this. Council is referring our precinct-wide traffic modelling study to TfNSW and the RMS for review, and await their advice before progressing public benefit negotiations with the proponent. It is noted that the proposed partial cash contribution to the proposed Church Street link may not be the most effective traffic solution for the proposal, and Council will continue negotiations with the proponent with advice from TfNSW and RMS to achieve an appropriate outcome.

In addition, Council is of the view that the issues raised in this letter and attachment need to be addressed prior to the determination of the proposed SSD application. Our preference is that the planning proposal progress further prior to any determination of the SSD application.

Should you have any enquiries regarding this matter, please don't hesitate to contact the undersigned on 8757 9901 or Council's Strategic Planner, Harinee De Silva on 8757 9949 [harinee.desilva@cumberland.nsw.gov.au](mailto:harinee.desilva@cumberland.nsw.gov.au).

Yours faithfully



MONICA COLOGNA  
MANAGER STRATEGIC PLANNING

Attached – Attachment 1 (Additional traffic and transport comments)