

Item No: C07/24-547

25 SOUTH PARADE, AUBURN - PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT

Directorate: Environment and Planning
Responsible Officer: Director Environment & Planning
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

SUMMARY

At the Ordinary Council Meeting of 18 October 2023, Council endorsed that the Planning Proposal for 25 South Parade be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination. The Council also resolved that a Voluntary Planning Agreement be prepared to derive public benefit should a Gateway Determination be received.

A Gateway Determination was received on 31 January 2024 and Council undertook the required public exhibition of the Planning Proposal from 26 March 2024 to 1 May 2024. A total of three submissions were received and Council officers have considered the submissions.

The report also provides information on the public benefit offer received for the proposal and the next steps for the progression of a Voluntary Planning Agreement.

It is recommended that the Planning Proposal be endorsed by Council for finalisation and gazettal. It is also recommended that Council endorse in-principle the revised public benefit offer, and endorse undertaking the necessary steps for the preparation, exhibition, finalisation, execution and registration of a Voluntary Planning Agreement.

RECOMMENDATION

That Council :

- 1. Endorse the planning proposal for 25 South Parade, Auburn, to amend the Cumberland Local Environmental Plan 2021 as follows:**
 - a. Identify medical centre and office premises as additional permitted uses on the site, and**
 - b. Allow for the Height of Building control to be 11 metres for the additional permitted uses.**
- 2. Once endorsed, finalise the planning proposal for 25 South Parade, Auburn, as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.**
- 3. Note that the Local Environmental Plan amendment will be published on the New South Wales legislation website and in the Government Gazette upon finalisation.**

4. **Endorse in-principle the revised public benefit offer for the Voluntary Planning Agreement for 25 South Parade, Auburn.**
5. **Endorse the draft Voluntary Planning Agreement for 25 South Parade, Auburn, in accordance with the revised public benefit offer, and to exhibit the draft Voluntary Planning Agreement for 28 days in accordance with statutory and policy requirements.**
6. **Delegate authority for the General Manager and Mayor to execute the Voluntary Planning Agreement for 25 South Parade, Auburn, subject to no significant objections on the Agreement being received during exhibition.**

REPORT

Background

In June 2022, the proponent lodged an initial Planning Proposal Request for 25 South Parade, Auburn, seeking additional permitted uses for the purposes of health services facilities, office and business premises, and for a maximum height of 9m for these additional uses.

In August 2023, the proponent lodged a revised Planning Proposal Request seeking additional permitted uses for the purposes of medical centre and office premises, and for a maximum height of 11m for these additional uses.

The proposal was reported to the Cumberland Local Planning Panel on 13 September 2023. The Panel endorsed the Planning Proposal and recommended to Council that the proposal be endorsed and forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

At the Ordinary Council Meeting of 18 October 2023, Council endorsed that the Planning Proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination. The Council also resolved that a Voluntary Planning Agreement be prepared to derive public benefit should a Gateway Determination be received.

A Gateway Determination was received on 31 January 2024 and Council undertook the required public exhibition of the Planning Proposal from 26 March 2024 to 1 May 2024.

Planning Proposal

The Planning Proposal seeks to amend Schedule 1 of Cumberland LEP 2021 to permit office premises and a medical centre as additional permitted uses (APUs) on 25 South Parade, Auburn. It is intended that the site be redeveloped to facilitate a medical centre and office uses. The Planning Proposal also seeks to introduce a maximum building height of 11m on the site for these uses.



Figure 1: The site in its local context

The proposed amendments to CLEP 2021 are outlined in Table 1 and Figures 2 to 5 below.

Table 1: Proposed amendments to Cumberland LEP 2021

Control	Existing	Proposed
Land Zone	E4 General Industrial	No Change
Height of Buildings	Nil	Nil
Floor Space Ratio	1:1	No Change
Minimum Lot Size	1500 m ²	No Change
Additional Permitted Use	Nil	Medical Centre Office Premises Max. building height for APU to be 11m



Figure 2: Existing Height of Buildings Map



Figure 3: Existing Additional Permitted Uses Map

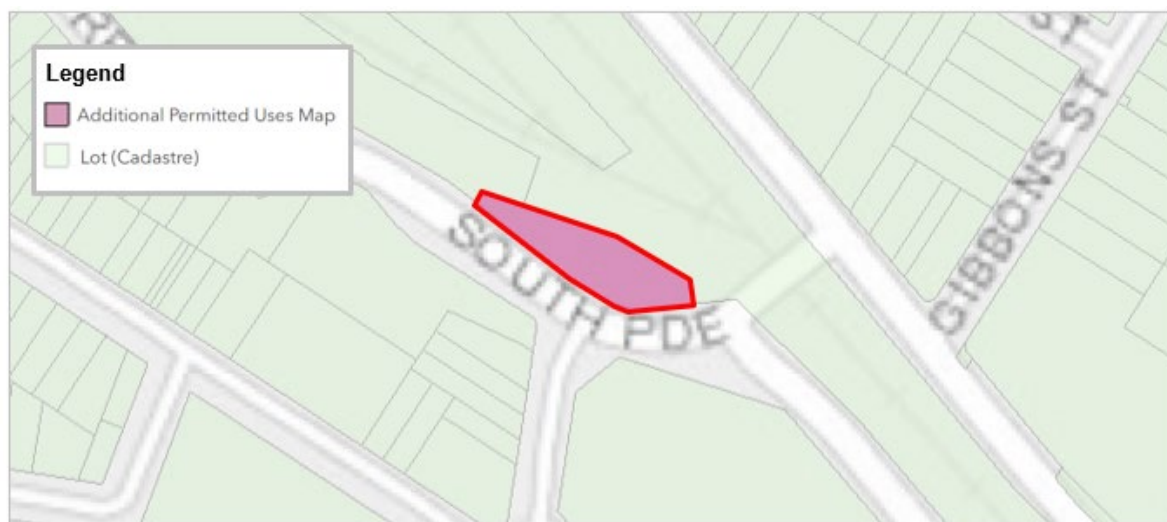


Figure 4: Proposed Additional Permitted Uses Map

Public Exhibition

The Planning Proposal was placed on public exhibition from 26 March 2024 to 1 May 2024. Methods of engagement included Council's Have Your Say page, information in the local newspaper, corflute sign placed on site, and notification letters sent to interested parties and State agencies. A total of three submissions were received from the community and State agencies.

Community submissions

A total of one community submission was received on the Planning Proposal. The issues raised with the community submission have been considered by Council officers, and a response is attached to this report.

State agency submissions

Two State agency submissions were received for the Planning Proposal. A summary of the submissions received is provided in Table 2 and also attached to this report.

Agency	Comments
Transport for NSW	<ul style="list-style-type: none"> The proposed traffic generation and its impacts on the two intersections (South Parade and Alice Street and Rawson Street and South Parade) are considered as minor.
Heritage NSW	<ul style="list-style-type: none"> Relevant reports and studies are needed during the assessment of any future DAs to address visual impacts on the State Heritage Register item, 'Auburn Railway Signal Box'. If the planning proposal is approved and future development proceeds, the proponent must consider Aboriginal cultural heritage impacts in their environmental assessments. An Aboriginal Heritage Impact Permit (AHIP) will be required where harm to Aboriginal objects cannot be avoided.

Table 2: Summary of State agency submissions

Voluntary Planning Agreement

Following Council's resolution on 18 October 2023, the proponent has submitted a revised Letter of Offer to Council. The revised offer seeks to provide a monetary contribution towards a public benefit of future public domain improvements within the Auburn Town Centre. Council officers have undertaken an assessment on the revised Letter of Offer, and consider it to be consistent with the Cumberland Planning Agreements Policy and Guideline. Based on this assessment, a draft Voluntary Planning Agreement has also been prepared for the Planning Proposal and is attached to this report.

Next Steps

Based on the submissions received on the Planning Proposal, there are no major concerns or issues in progressing the Planning Proposal. It is recommended that Council endorse the Planning Proposal and finalise, as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title. The proposed amendments outlined in this report would then become part of Cumberland Local Environmental Plan 2021.

For the Voluntary Planning Agreement, it is recommended that Council endorse in-principle the revised Letter of Offer. Subject to endorsement, it is recommended that Council exhibit the draft Voluntary Planning Agreement. Subject to no significant objections during the public notification process, it is also recommended that Council endorse the finalisation of the Voluntary Planning Agreement and delegate the Mayor and General Manager to execute the Voluntary Planning Agreement.

COMMUNITY ENGAGEMENT

Consultation processes for the proposal are outlined in the main body of the report.

POLICY IMPLICATIONS

Policy implications are outlined in the main body of this report.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report. This report's recommendation stipulates that the Voluntary Planning Agreement must be executed and registered on title prior to the Local Environmental Plan amendment being notified. All statutory and Council policy requirements have been met.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Following Council's resolution on the Planning Proposal for 25 South Parade, Auburn, in October 2023 and positive Gateway Determination from the Department of Planning, Housing and Infrastructure, the Planning Proposal has been prepared and publicly exhibited. It is recommended that Council endorse the Planning Proposal for finalisation and gazettal.

A revised public benefit offer for the Planning Proposal has also been received and assessed by Council officers. It is recommended that Council endorse in-principle the revised Letter of Offer and progress the finalisation, exhibition, execution and registration of the Voluntary Planning Agreement.

ATTACHMENTS

1. Recommended Planning Controls
2. Planning Proposal
3. Engagement Report
4. State Agency Submissions
5. Response to Submissions
6. Updated Public Benefit Offer
7. Assessment of Public Benefit Offer (confidential)
Note: Included in Closed Business Paper in accordance with Section 10A(2)(d)(i) of the Local Government Act as the information involves commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
8. Draft Voluntary Planning Agreement
9. Gateway Determination
10. 18 Oct 2023 Council Meeting Agenda
11. 18 Oct 2023 Council Meeting Minutes