

Greater Sydney, Place and Infrastructure

IRF20/5006

Gateway determination report

LGA	Cumberland
PPA	Cumberland City Council
NAME	Proposal for the redevelopment of seniors and affordable housing at the corner of Dunmore Street and Pendle Way, Pendle Hill (+564 homes, +320 jobs)
NUMBER	PP_2020_CUMBE_005_00
LEP TO BE AMENDED	Holroyd Local Environmental Plan 2013
ADDRESS	Corner of Dunmore Street and Pendle Way, Pendle Hill
DESCRIPTION	Lots 1 and 2, and 8-12 DP 24728, Lots 2 and 3 DP 554208, Lot A DP 335578, Lot 472 DP 1204429
RECEIVED	25 September 2020
FILE NO.	IRF20/5006
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Holroyd Local Environmental Plan 2013 (HLEP2013) to rezone land, amend development controls and add additional permitted uses for land located at the corner of Dunmore Street and Pendle Way, Pendle Hill (the site) as follows:

- Rezone part of the site to R4 High Density Residential and RE2 Private Recreation;
- Increase the height of building control from 9 metres and 11 metres to 12.5 metres and 32 metres;
- Increase the floor space ratio (FSR) control from 0.5:1, 0.7:1 and 0.85:1 to 0.85:1 and 1.5:1; and
- Permit 'food and drink premises' and 'medical centre' as additional uses on the site.

The planning proposal seeks to facilitate the redevelopment of the site for seniors housing, affordable housing, open space, a medical centre, café and community facilities.

The proposed uplift will allow for an additional 50 aged care beds and approximately 564 additional dwellings comprising independent living units and affordable housing. It is anticipated that the proposal will provide the potential for 320 ongoing aged care and retirement living jobs. The site is required to be rezoned to R4 High Density Residential development to enable vertical villages to be considered under the SEPP (Seniors Living). While the site is intended to be used for seniors living, the suitability

of the site to accommodate R4 High Density Residential development is also required to be assessed as part of the Gateway determination.

1.2 Site description

The site is approximately 7.3 hectares in area with frontages to Dunmore Street and Pendle Way, Pendle Hill (**Figure 1**). The site is legally defined as Lots 1 and 2, and 8-12 DP 24728, Lots 2 and 3 DP 554208, Lot A DP 335578 and Lot 472 DP 1204429.

Existing uses on the site include a 190-bed residential aged care facility, 86 independent living units, a place of public worship (Pathways Community Church) and six single storey residential dwellings along Pendle Way (**Figure 2**). The seniors housing development and residential dwellings along Pendle Way are owned and managed by Fresh Hope Care. The site contains two locally significant heritage items – Dunmore House and Ashwood House.



Figure 1: Subject site bound in yellow (Source: Near Maps)

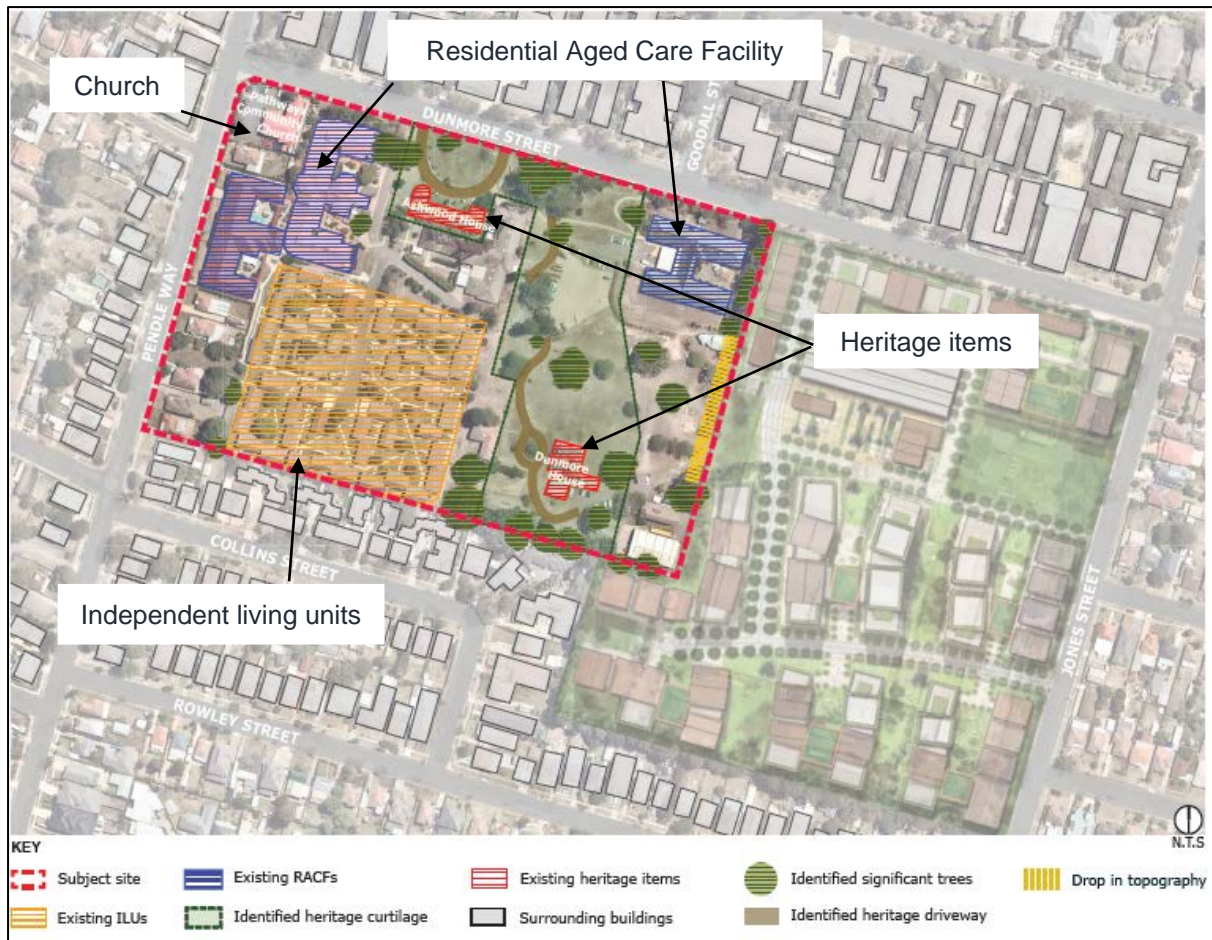


Figure 2: Site characteristics bound in red (Source: Urban Design Report)

1.3 Existing planning controls

Under Holroyd Local Environmental Plan 2013 (HLEP 2013), the site:

- is zoned R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential (**Figure 3**);
- has a maximum height of building (HOB) of 9m and 11m (**Figure 4**);
- has a maximum floor space ratio (FSR) of 0.5:1, 0.7:1 and 0.85:1 (**Figure 5**); and
- contains two locally listed heritage items – Dunmore House (I94) and Ashwood House (I95) (**Figure 6**).

The corner of Dunmore Street and Pendle Way (Lot 1 DP 24728) is affected by overland flooding and two lots along Pendle Way (Lot 2 DP 24728 and Lot 472 DP 1204429) are affected by a floor level control according to Council's Flood Control Lot Map (**Figure 7**).

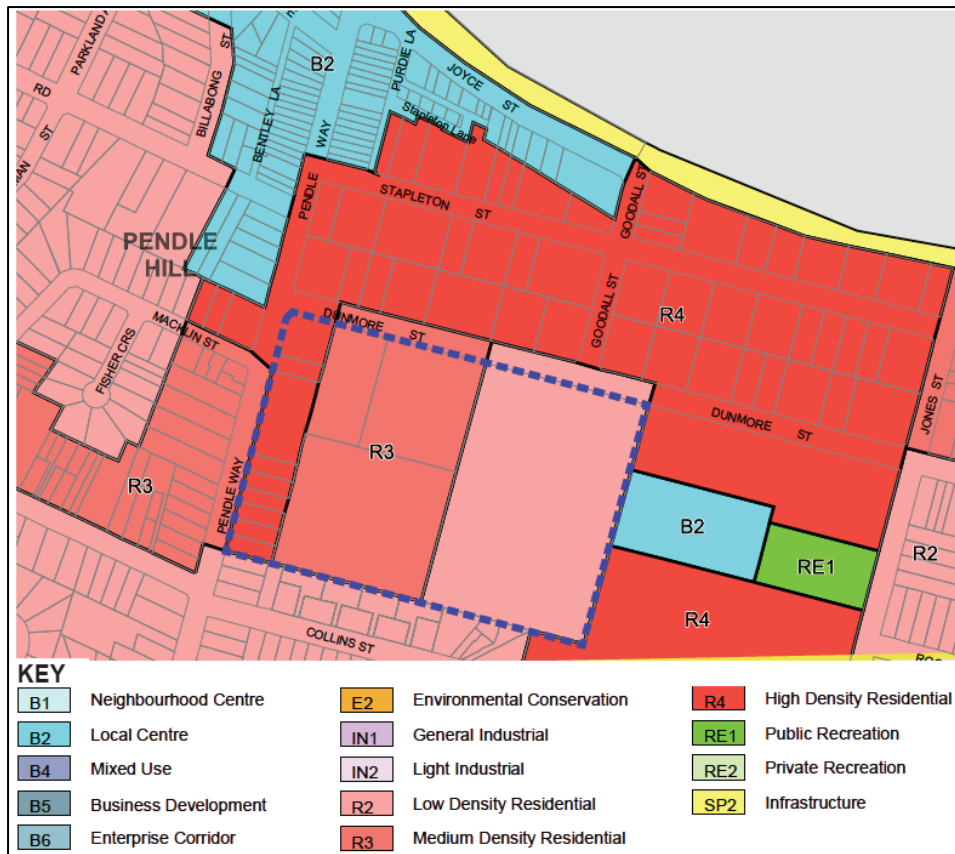


Figure 3: Existing zoning map of the site bound in blue (Source: Urban Design Report)

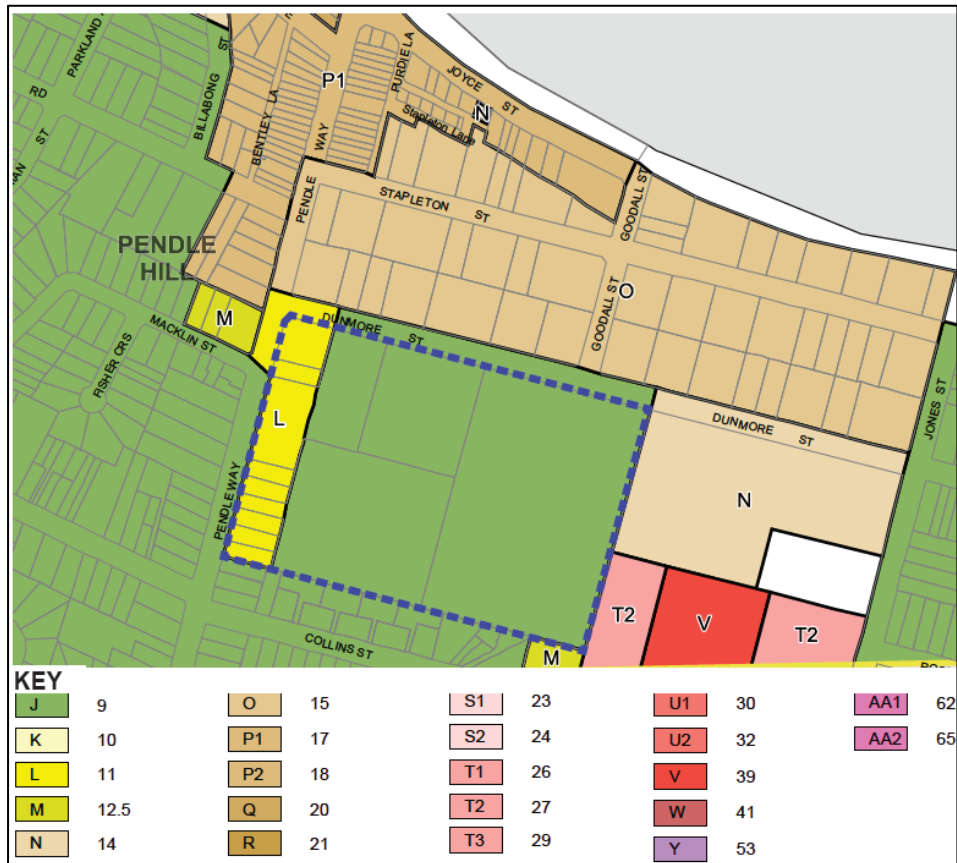


Figure 4: Existing height of building map of the site bound in blue (Source: Urban Design Report)

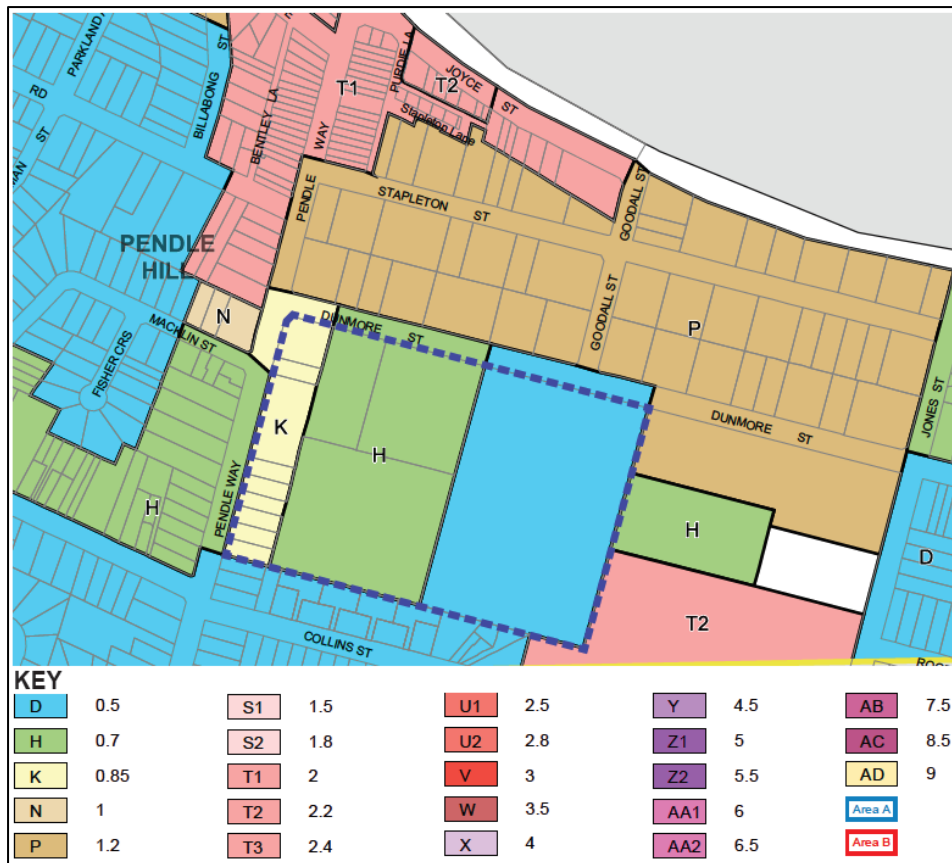


Figure 5: Existing floor space ratio map of the site bound in blue (Source: Urban Design Report)

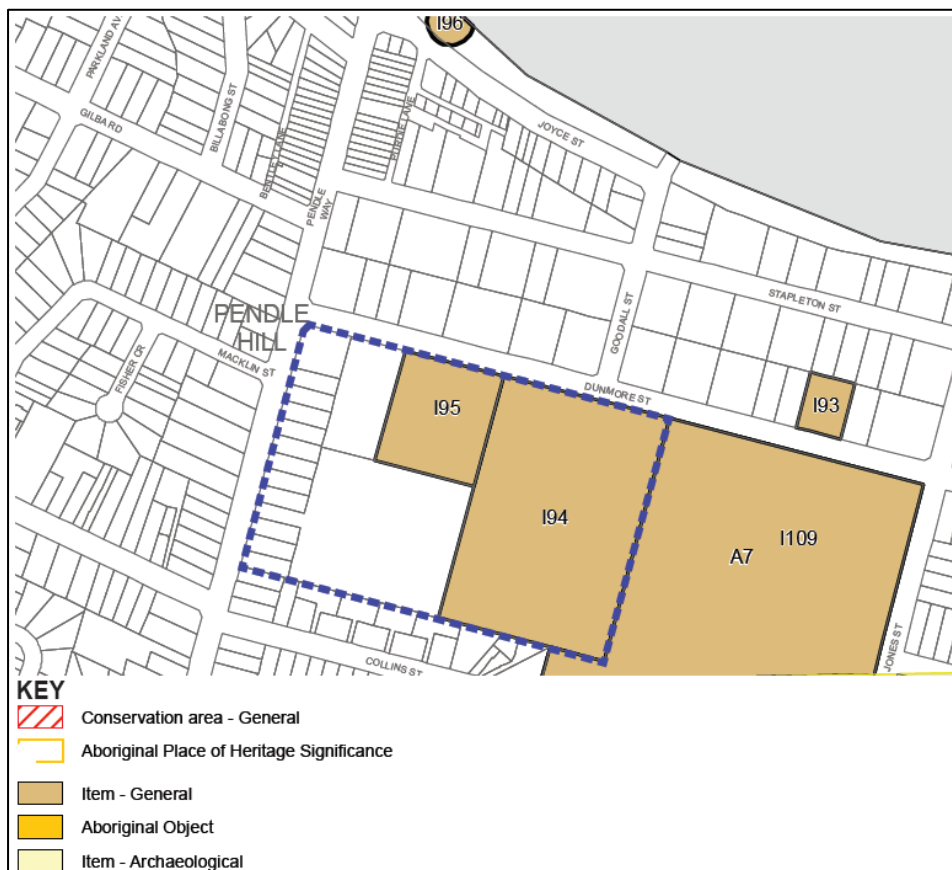


Figure 6: Existing heritage map of the site bound in blue (Source: Urban Design Report)

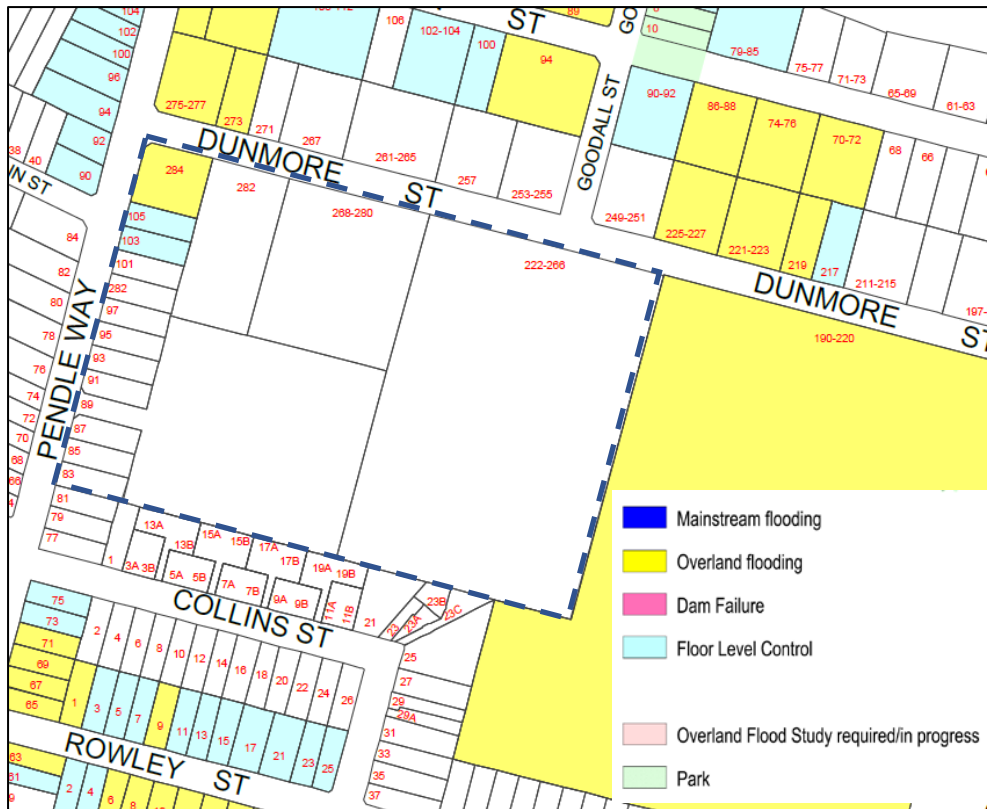


Figure 7: Flood control lot map of the site bound in blue (Source: Cumberland City Council)

1.4 Surrounding area

The site is located approximately 300m from the Pendle Hill local centre and train station and approximately 3km from the Westmead Health and Education Precinct (**Figure 8**).

The surrounding developments reflect the mix of land use zones surrounding the site, with single storey dwellings to the south and west and three storey residential flat buildings along Dunmore Street to the north. Light industrial development adjoining the eastern boundary (the former Bonds Spinning Mill site) has been rezoned to enable redevelopment for high density residential, a local centre and open space. The adjoining Bonds site is also identified as an archaeological site and includes a local heritage item.

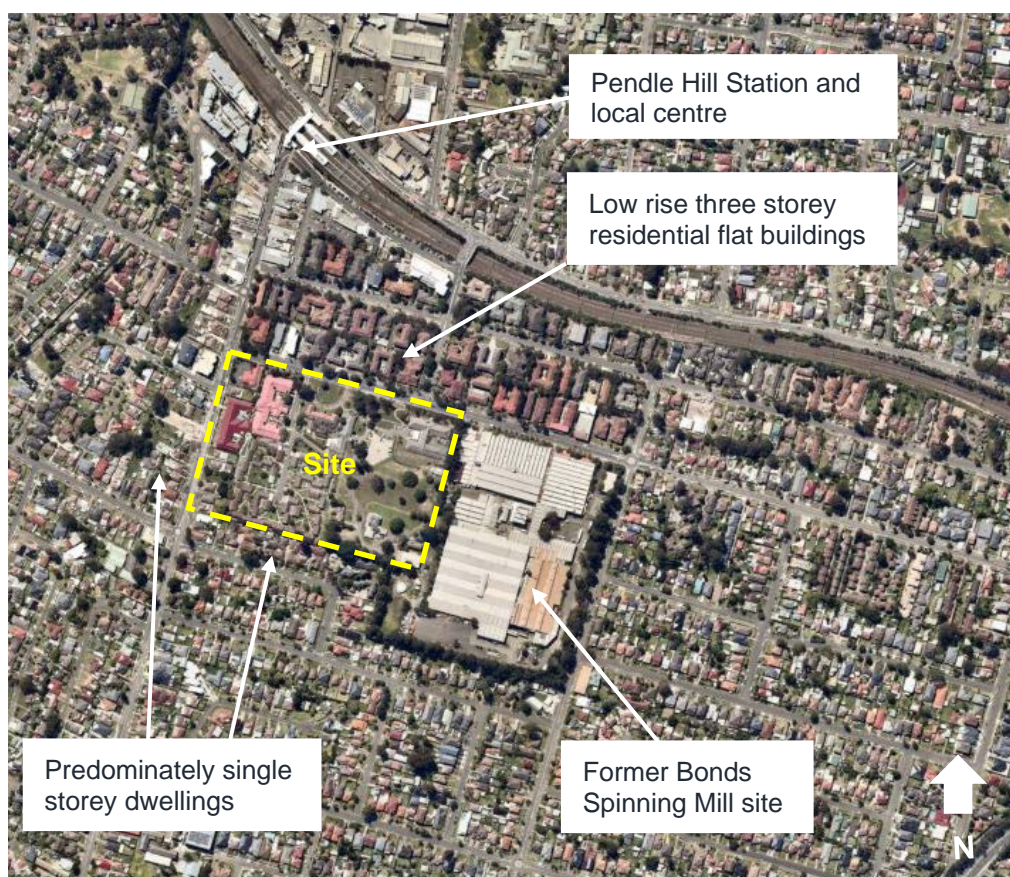


Figure 8: Context of subject site (Source: Near Maps)

1.5 Summary of recommendation

It is recommended that the planning proposal proceed to Gateway determination subject to conditions identified in this report. Overall, the proposal will facilitate redevelopment for increased seniors and affordable housing in a location close to public transport and services, will provide improved open space that is accessible to the public, and will create additional jobs for the community. The proposal is considered to give effect to the Central City District Plan and Council's Local Strategic Planning Statement. It is not expected that the proposal will result in significant social, environmental or economic impacts.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to facilitate redevelopment of the site for increased seniors housing, affordable housing, community facilities, allied health services, cafe and open space that is publicly accessible and also used for private purposes. **Figure 9** illustrates the proposed masterplan for the site (**Attachment D**), showing the indicative location of proposed uses. The proposal intends to rezone the majority of the site as well as providing additional housing supply for seniors, affordable housing and community facilities. **Table 1** illustrates the additional uplift as a result of the planning proposal. The proposal will result in an additional 930 permanent residents living on site.



Figure 9: Proposed masterplan for the site

	Existing on site	Additional uplift	Total proposed
Aged care beds	190	50	240
Independent living units (ILUs)	86	564*	650*
*ILUs and affordable housing			

Table 1: Proposed number of aged care beds, ILUs and affordable housing

Council intends to secure affordable housing on site via a voluntary planning agreement with the proponent.

The planning proposal states a site-specific development control plan (DCP) will be prepared providing further detailed controls in relation to the development's built form, open space and heritage. In addition, should the proposal proceed, Council intends to negotiate a planning agreement with the proponent to ensure the proposal provides public benefits, including public rights of access within the proposed RE2 Private Recreation land and affordable housing.

The objectives of the planning proposal are clear and do not require amendment prior to community consultation.

2.2 Explanation of provisions

In order to achieve the desired objectives, the planning proposal seeks to amend the HLEP 2013 as follows:

- rezone part of the site from R2 Low Density Residential and R3 Medium Density Residential to part R4 High Density Residential and part RE2 Private Recreation;
- increase the maximum building height from 9m and 11m to 12.5m and 32m;
- increase the maximum floor space ratio (FSR) from 0.5:1, 0.7:1 and 0.85:1 to 0.85:1 and 1.5:1; and
- amend Schedule 1 Additional Permitted Uses to permit 'food and drink premises' and 'medical centre' as additional permitted uses on the site.

2.3 Mapping

The planning proposal contains existing and proposed mapping amendments under HLEP 2013. The proposal seeks to amend the following maps:

- Land Zoning Map;
- Height of Buildings Map;
- Floor Space Ratio Map; and
- Additional Permitted Uses Map.

The proposed maps require updating prior to community consultation to ensure legibility of all labels and legends. The Additional Permitted Uses (APU) map is also recommended to be updated to reflect the proposed APU applying to the Ashwood House portion of the site only rather than the broader site where the R4 High Density Residential zone is proposed.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is in response to the proponent's request to redevelop the site to allow for an increase in development potential and is not the result of any site-specific study or report.

The planning proposal states alternative approaches to achieving the intended outcomes were considered however the proposed approach is considered the best way to deliver the desired outcome.

Council officers provided further clarification about the reasoning for pursuing a R4 High Density Residential across part of the site as follows:

- Vertical villages under the *SEPP (Housing for Seniors or People with a Disability)* requires residential flat buildings to be permissible on the site;
- A high-density residential zone is reasonable given the site's proximity to Pendle Hill Railway Station; and
- The sites to the north and east of the subject site are zoned R4 High Density Residential and the proposal is a logical extension of the zone to provide an increased supply and diversity in housing.

With regard to the proposed RE2 zone, Council does not wish to acquire the site or be responsible for the ongoing maintenance and the associated financial impacts. Council are seeking to achieve public access to this part of the site under continued ownership by Fresh Hope as part of the Development Control Plan and/or a VPA.

The planning proposal also seeks to apply an overall building height rather than differentiated building heights across the site. Instead, Council is seeking to provide further detail with regard to building height within the site-specific DCP to allow greater flexibility. Refer to section 5.2 of this report for further discussion on this matter.

Subject to the recommended changes discussed in this report, the planning proposal is the best means for achieving the intended outcomes. The proposal will provide community benefits in a location close to public transport including increased seniors and affordable housing, increase in jobs, retention and adaptive reuse of heritage items and enhanced open space accessible to the public.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

The Central City District Plan provides a 20-year plan to manage growth to achieve the vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is considered to give effect to and is generally consistent with the objectives and outcomes of the Central City District Plan. The proposal will facilitate a seniors housing and affordable housing development (or high density residential development) that is specifically consistent with the following outcomes:

Planning Priority C1 – Planning for a City supported by infrastructure

Pendle Hill local centre is located directly adjacent to Pendle Hill railway station, approximately 300m north of the site. Anchored by a small supermarket, the centre provides a limited array of convenience retailing and take away food services for the surrounding community. Pendle Hill railway station is serviced by the T1 North Shore-Western Line and T5 Cumberland Line, providing connections to and from Parramatta CBD and Blacktown. Bus services are located along Dunmore Street and Pendle Way, providing connections to Parramatta and Blacktown centres.

Future residents and workers will be well served by public transport and other local services.

Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport

The planning proposal facilitates an increased supply of seniors housing (independent living and aged care) and affordable housing within walking distance to public transport and a local centre. The proposal seeks to provide on-site community facilities and allied health services, some of which may be used by the wider community.

If the site is used for high density residential purposes under the proposed R4 zoning, the proposal would retain consistency with this planning priority.

Council intends to enter into a planning agreement with the proponent to ensure that affordable housing is provided as required by the Cumberland Planning Agreements Policy.

Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage

The planning proposal states the local heritage items (Dunmore House and Ashwood House) will be retained and be adaptively reused. The Heritage Impact Statement (**Attachment G**) supporting the planning proposal indicates that the established heritage curtilage around each heritage item, provides adequate separation between the indicative built forms and the proposal will have an acceptable impact on the heritage items within and in the vicinity of the site.

The proposed masterplan illustrates a publicly accessible through-site link to the adjoining former Bonds Spinning Mills site, which reinforces the historic relationship between the two sites.

Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city

The site is located within walking distance (300m) of Pendle Hill station and bus stops are provided along Dunmore Street and Pendle Way. The proposal will enable an aged care facility and increase supply of seniors and affordable housing (or high density residential) in a location close to public transport. This will allow future residents and workers to access Greater Parramatta metropolitan centre and Blacktown strategic centre within 30 minutes.

Planning Priority 17 – Delivering high-quality open space

This priority identifies the importance of public open space in high density neighbourhoods. Open space in high density neighbourhoods need to be durable, multipurpose and accessible to a wide variety of users, including seniors.

The planning proposal incorporates approximately 51,709m² (70% of the total site area) of open space, which includes publicly accessible communal and private open space areas. Of this amount, approximately 40,975m² is proposed as publicly accessible open space, including internal roads. The proposed masterplan provides for a publicly accessible 'green spine' network across the site and through-site pedestrian network link to the adjoining former Bonds Spinning Mills site. Council noted the open space amount is indicative and will be refined at a development application stage.

While the proposed open space will not be publicly owned, Council intends to enter into a planning agreement with the proponent to ensure public access is provided.

4.2 Local

Cumberland 2030: Our Strategic Planning Statement

Council's Local Strategic Planning Statement (LSPS) Cumberland 2030 builds on the Greater Sydney Commission's Region Plan and District plan, as well as Council's own Community Strategic Plan, establishing a land use vision and actions for the local area.

The proposal is generally consistent with the plan, in particular delivering greater housing choice to suit the changing needs of the population (Priority 5) and

delivering affordable housing suitable for the needs of all people at various life stages (Priority 6).

Cumberland Community Strategic Plan 2017-2027

The Cumberland Community Strategic Plan sets out the community's vision for the future. The planning proposal is broadly consistent with the strategic vision set out by the plan. The proposal seeks to provide services (medical centre and aged care facility) accessible for vulnerable and at-risk groups, including seniors. The proposal also enables increased housing choice for seniors, people with a disability, and people on low and very low incomes.

Local Planning Panel

The planning proposal was referred to the Cumberland Local Planning Panel on 12 August 2020 (**Attachment E**). The Panel supported the proposal subject to the following advice summarised in **Table 2**. Council officers considered the Panel's advice and their response is summarised below.

Panel advice	Council officer response
<p><i>Zoning of publicly accessible open space and use of Dunmore House</i></p> <p>Council should consider an RE1 zoning rather than RE2. Should Council determine the RE2 zone is more appropriate, an easement for public access within the proposed RE2 and the heritage buildings should be required.</p> <p>Additionally, Dunmore House should be utilised as a community facility.</p>	<ul style="list-style-type: none"> • The difference between RE1 and RE2 zoning is the site ownership, rather than the intended use of the site. • The heritage curtilage within the proposed recreation zoning would restrict the type of embellishment allowed. • If a RE1 zone was adopted, Council would be responsible for acquisition and ongoing maintenance, with associated financial impacts • Public access within the RE2 zone can be achieved under continued ownership of Fresh Hope Care as part of the DCP and/or VPA. • Preliminary consideration for Dunmore House as a community facility has been undertaken and will be investigated further. Public access to Dunmore House is possible through a VPA.
<p><i>Building Height</i></p> <p>It is more appropriate to apply a range of heights in the LEP rather than a single height across the whole site. This is more reflective of the design analysis completed for the site, which responds to site specific heritage and contextual conditions. This is consistent with the approach taken for the adjoining Bonds site.</p> <p>Any differentiated height controls should also trigger a review of the FSR control to ensure there are no internal inconsistencies between the height and FSR standards across the various parts of the site.</p>	<ul style="list-style-type: none"> • Acknowledged the differentiated height controls on the adjoining Bonds site. • A site-specific DCP to manage height provides a more flexible approach.

Panel advice	Council officer response
A height limit of 32m is in excess of what is required for an 8-storey building.	<ul style="list-style-type: none"> • Aged care facilities require higher floor to floor heights to accommodate furnishings and the required equipment compared to regular residential uses. • An 8-storey building would require that the ground floor and roof levels are each 4.5m in height, with other levels at 3.2m in height.

Table 2: Local Planning Panel advice and Council's response

Council considered the Panel's feedback at its meeting on 16 September 2020 (**Attachment F**) and resolved to proceed to Gateway without amendment. To address the concerns raised by the Panel, the following actions will be taken by Council post-Gateway should the proposal proceed:

- Prepare a draft site-specific DCP giving further consideration to reducing the development's impact on residential properties on the northern side of Collins Street; and
- Pursue discussions with the proponent as to possible terms of a planning agreement, noting Council's desire to achieve public benefit by securing public rights of access over open ground within the proposed RE2 zone land.

The Department's views on the approach to building heights and public accessibility within the proposed RE2 zone are discussed further in section 5 below.

4.3 Section 9.1 Ministerial Directions

The planning proposal is generally consistent with all section 9.1 Ministerial Directions, with the exception of the following, which require further consideration.

Direction 2.3 Heritage Conversation

This direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The direction provides that a planning proposal must contain provisions which facilitate the conservation of matters of environmental and Aboriginal cultural heritage significance.

This direction is applicable as the site contains two locally listed heritage items including Dunmore House (I94) and Ashwood House (I95). The proposal is inconsistent with this direction as it does not propose to include provisions relating to conservation of the heritage items, however, there are existing provisions within HLEP under Clause 5.10 that ensure that heritage conservation matters are appropriately addressed during consideration of a future development application.

The planning proposal states the heritage items will be retained and integrated as part of the future redevelopment of the site. A Heritage Impact Statement (**Attachment G**) prepared for the site concludes the planning proposal will have an acceptable impact on the heritage items both within the site and in the surrounding locality.

It is recommended that the Secretary's delegate agree that any inconsistency with this direction is of minor significance and justified as it is intended that a site-specific DCP be prepared which will include heritage controls for any future development application on site. As stated above, HLEP 2013 and Holroyd DCP 2013 contain development standards and heritage conservation measures for future development

to enable appropriate assessment of heritage impacts at the development application stage. It is recommended that a Gateway condition require consultation be undertaken with Heritage NSW on the planning proposal.

Direction 2.6 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. This direction applies as the planning proposal seeks to rezone land for high density residential and recreational purposes, therefore allowing a change of use on the site.

A Preliminary Contamination Assessment (**Attachment H**) accompanying the planning proposal concludes that the site has a low potential for contamination due to minimal exposure of soil to human health under the current land use and present site conditions. However, the assessment states as the site is proposed for residential development which will result in exposure of the soils to human and the environment, it is recommended a suitable sampling and testing plan be implemented at a DA stage, to address potential contamination and to determine the need for remediation.

It is recommended that the Secretary's delegate agree that any inconsistency with this direction is of minor significance and justified. It is also recommended that the planning proposal be updated to address this Direction.

Direction 4.3 Flood Prone Land

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions in an LEP is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject.

This direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. This direction is applicable as part of the site is flood affected according to Council's Flood Control Lots Map. The planning proposal is inconsistent with this direction as it proposes to increase the maximum height of buildings and FSR on site.

Council has not addressed the inconsistency with this direction. It is recommended that this Direction remain unresolved and that Council update the planning proposal to address this Direction. A Gateway condition is also recommended for the NSW State Emergency Service and the Environment, Energy and Science Group within the Department of Planning, Industry and Environment to be consulted on the planning proposal given the sensitive land uses proposed.

4.4 State environmental planning policies (SEPPs)

SEPP No 55 - Remediation of Land

The objective of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land.

On 17 April 2020, an amendment was made to SEPP 55 to delete Clause 6 which required contamination and remediation to be considered in a zoning or rezoning proposal. The effect of this clause is now achieved by Section 9.1 Direction 2.6

Remediation of Contaminated Land. It is recommended the planning proposal is required to be updated prior to exhibition to reflect this.

SEPP (Housing for Seniors or People with a Disability) 2004

The aims of this policy are to increase the supply and diversity of housing that meets the needs of seniors or people with a disability, be of good design and make efficient use of existing infrastructure and services.

The planning proposal is broadly consistent with the SEPP as it will facilitate the delivery of additional seniors housing in a location with existing infrastructure and services. The proposed R4 zoning on the site would enable clause 45 of the SEPP (Vertical villages) to apply to the site. Therefore, potential bonus floor space of 0.5 above the proposed maximum FSRs of 0.85:1 and 1.5:1 could be applied in a future development if the bonus provision is sought.

While it is acknowledged that this issue, including the suitability of the site for the potential bonus will be addressed at a DA stage, it is important that the community understands the development outcome that could be potentially be achieved if the bonus provision is sought. It is recommended that the planning proposal be updated prior to exhibition to provide a discussion on the potential development outcome should the bonus provision under the SEPP be pursued.

SEPP 65 – Design Quality of Residential Flat Development:

SEPP 65 provides principles to ensure that residential apartments are of high-quality design and maximise amenity both externally and internally for occupants. The SEPP is supported by the Apartment Design Guide (ADG) which provides further detail on how development can achieve these principles. An urban design report (**Attachment K**) has been prepared which indicates the proposed development meets the internal amenity criteria of SEPP 65. Given residential flat buildings (RFB) are permissible in the proposed R4 zone, the possibility of the site being on-sold and the need for any future development application for an RFB to address SEPP 65 and the ADG, it is important that the planning proposal demonstrates compliance with SEPP 65 and the ADG. It is recommended that the planning proposal be updated to address the potential application of SEPP 65.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

A Social Impact Assessment (**Attachment I**) accompanying the planning proposal identified positive numerous positive impacts associated with the proposal, including increased housing options and quality services for an older population and increased open space and community facilities. The proposal will also impact existing residents as any redevelopment of the site will likely require residents to be re-accommodated in temporary housing. The assessment provides a number of recommendations to address the potential negative social impacts of the proposal, including a Communication Strategy to inform existing residents on the site and the surrounding community of the progress, changes and plans for the redevelopment of the site.

Overall, the planning proposal offers community benefits including greater housing choice for seniors and key workers that is close to public transport, enhanced open space, on-site services (medical centre and café) and increase in jobs. As noted previously in this report, residential flat buildings are permissible in the proposed R4

zone, therefore, it is possible the site could be sold in the future and high density residential development provided. In light of this, there is potential for pressure on schools in the area and it is recommended that consultation with the Department of Education occur.

5.2 Environmental

Urban design and built form

The masterplan (**Attachment D**) prepared for the site illustrates that the proposed densities and heights respond to the surrounding existing context and intend to achieve a built form transition from the heights on the adjoining Bonds Spinning Mills site. It is noted that the adjoining Bonds site has a range of maximum building heights applied from 12.5m to 39m, with the greatest height at the centre of the site.

The masterplan illustrates greater height (8 storeys) at the centre of the site and adjacent to the Bonds site away from the heritage items and site boundary along Dunmore Street, Pendle Way and Collins Street. Building heights transition to lower built form ranging from 2-4 storeys along the site's edges responding to lower residential densities adjoining the site (**Figure 10**). The transitioning of heights also minimises overshadowing and view impacts on the surrounding buildings.

An Urban Design Peer Review (**Attachment K**) was prepared for the proposal providing an independent analysis of the masterplan. The review identified the appropriateness of the proposed masterplan and proposed LEP controls. However, feedback from the Local Planning Panel identified applying a range of heights rather than a single height (reflecting the greatest identified height of 32m) is more appropriate.

It is noted that Council proposes to provide further detail with regard to building height within the site-specific DCP to allow greater flexibility. However, the Department agrees with the views of the Local Planning Panel and it is recommended that the proposed maximum height of buildings in the planning proposal be amended to reflect a range of heights across the site responding to the surrounding context and being generally consistent with the proposed masterplan for the site. Applying a range of building heights is consistent with the approach on the adjoining Bonds Spinning Mill site and will provide more certainty in key locations such as the boundaries adjacent to lower scale residential dwellings. This would also require an amendment to the proposed maximum FSRs, to ensure appropriate bulk and scale of buildings.



Figure 10: Proposed masterplan indicating number of storeys

Heritage

Two local heritage items exist on the site:

- Dunmore House (Item No. I94) – a nineteenth century Victorian homestead located at the high point of the site with views to and from Dunmore Street; and
- Ashwood House (Item No. I95) – a mid-twentieth century brick structure with circular carriage driveway fronting Dunmore Street.

Council intends to enter into a planning agreement with the proponent to ensure that Dunmore House is available for the public to use as a community facility.

Ashwood House is proposed to be adaptively re-used for allied health services and a cafe. The proposal seeks to permit a medical centre and food and drink premises as additional permitted uses on site.

An Aboriginal Due Diligence Assessment (**Attachment O**) accompanying the planning proposal confirms there are no Aboriginal objects or areas of archaeological sensitivity located within the site. A Non-Aboriginal Archaeological Assessment (**Attachment P**) identified that Dunmore House and associated structures are considered the most significant archaeological feature on the site. The assessment confirms the planning proposal will not impact on potential archaeological resources.

The Heritage Impact Statement (**Attachment G**) states the heritage curtilage around Dunmore House and Ashwood House is appropriate to provide adequate separation between the indicative future-built forms. The Conservation Management Plan (**Attachment J**) for the site identifies the proposal compliments the heritage

curtilage, including the surrounding landscape areas and that this is strengthened by the proposed RE2 zone which closely aligns with the heritage curtilage.

Transport and accessibility

A Transport Impact Assessment (**Attachment L**) prepared for the planning proposal considered existing traffic and parking conditions, car parking and emergency vehicle requirements, pedestrian and bicycle requirements, traffic generation of the proposal, access requirements, and transport impact of the proposal on the surrounding road network.

The assessment also considered the future traffic generated by the planned redevelopment of the adjoining Bonds site which will enable an additional 1,260 dwellings.

The assessment concludes that the planning proposal will not compromise the safety or functioning of nearby intersections and will not have a detrimental impact on the surrounding road network.

It is recommended that Transport for NSW is consulted on the planning proposal.

Open space and public domain

The proposal provides for improved open space, public domain and connectivity with the adjoining Bonds Spinning Mills site which will be redeveloped to provide a local centre, public open space and housing. The Urban design report (**Attachment D**) indicates the proposal seeks to provide a publicly accessible pedestrian network, additional trees, a children's playground, shaded seating areas, and retain majority of the vegetation on site.

A Preliminary Tree Assessment (**Attachment M**) prepared for the planning proposal identifies 33 trees have a high retention value and are recommended to be retained and protected where possible. Additionally, an arboricultural impact assessment should be prepared for any future DA on site. The Urban design report identifies that approximately 95% of the identified high significant trees will be retained.

Overall, the proposal enables an improved public domain and open space network compared to the existing outcomes on the site. Council has indicated it intends to enter into a planning agreement with the proponent to ensure the proposal provides public benefits, including public rights of access within the proposed RE2 Private Recreation land. A Gateway condition is recommended to ensure a mechanism to provide public access to the RE2 Private Recreation land is secured prior to finalisation of the proposal.

5.3 Economic

An Economic Assessment (**Attachment N**) accompanying the planning proposal identifies significant growth is forecast within a 10 km radius from the site, with approximately 83,070 additional residents aged 65 years and over between 2018 and 2036. The assessment states the net addition of 50 aged care beds and approximately 564 dwellings will help meet the forecast demand and opportunity exists for future affordable key worker housing on the site given the tight housing market and strong growth in the healthcare and social services sectors.

The assessment concludes the proposed medical centre will be supported by future residents on site and that the proposed café would largely be supported by the future

on-site resident and work community and would have limited economic impact on nearby local centres.

The planning proposal is expected to have a positive economic benefit as the development will help stimulate employment associated with the construction phase (1,400 jobs) of the future development for seniors housing. This is likely to have flow on effects to local business activity. The proposed retirement and aged care facility on site would generate approximately 320 direct ongoing jobs and a further 290 indirect jobs supported elsewhere in the wider economy.

5.4 Infrastructure

The Department notes that the intensification of the site and likely demand on local infrastructure and services will be addressed through a future development application for the site. Council is also considering a voluntary planning agreement in relation to this proposal.

6. CONSULTATION

6.1 Community

The planning proposal indicates a community consultation process that is consistent with *A guide to preparing local environmental plans (2016)*.

Given the nature of the planning proposal, it is recommended that a 28-day community consultation period apply.

6.2 Agencies

It is considered appropriate that the following agencies be consulted:

- Heritage NSW;
- Transport for NSW;
- NSW State Emergency Service;
- Environment, Energy and Science Group – Department of Planning, Industry and Environment;
- Department of Education; and
- Sydney Water.

7. TIME FRAME

Council has suggested six months to finalise the proposal. A 12 month timeframe is recommended to allow for Council's intent to negotiate a Voluntary Planning Agreement, prepare a site-specific DCP and consult with State agencies.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the plan-making authority in relation to this planning proposal. Given the nature of the planning proposal and that it is generally consistent with the strategic planning framework, it is recommended authorisation be given to Council to make the plan.

9. CONCLUSION

It is recommended that the planning proposal proceed with conditions, as it:

- will allow for the redevelopment of a site for high density seniors housing to cater for an ageing population;
- gives effect to the Central City District Plan and Council's LSPS as it will provide greater housing choice and affordable rental housing close to public transport and services, and
- provides enhanced open space, provided there is a mechanism to enable public access.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 2.3 Heritage Conversation and 2.6 Remediation of Contaminated Land is minor or justified; and
2. note that the consistency with section 9.1 Direction 4.3 Flood Prone Land is unresolved and will require justification prior to finalisation.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal to:
 - a) amend the proposed maximum height of buildings to reflect a range of heights across the site which responds to the surrounding context and is generally consistent with the proposed masterplan for the site, as detailed in the Urban Design Report dated April 2020;
 - b) review and amend the proposed maximum floor space ratio controls to respond to the amended maximum height of buildings across the site;
 - c) provide a discussion on the potential development outcome should bonus provisions under SEPP (Housing for Seniors or People with a Disability) 2004 be pursued;
 - d) address consistency with SEPP No 65—Design Quality of Residential Apartment Development;
 - e) update the proposed maps to ensure legibility of all labels and legends;
 - f) update the Additional Permitted Uses map to only apply to the Ashwood House portion of the site;
 - g) address Section 9.1 Directions 2.6 Remediation of Contaminated Land and 4.3 Flood Prone Land;
 - h) update the discussion on SEPP 55 – Remediation of Land reflecting the effect of clause 6 is now achieved by Section 9.1 Direction 2.6 Remediation of Contaminated Land; and
 - i) update the project timeline.

2. Prior to finalisation of the planning proposal, Council is to ensure that there is an appropriate mechanism in place to deliver public access to the proposed RE2 Private Recreation land.
3. Consultation is required with the following public authorities:
 - Heritage NSW;
 - Transport for NSW;
 - NSW State Emergency Service;
 - Environment, Energy and Science Group – Department of Planning, Industry and Environment;
 - Department of Education; and
 - Sydney Water.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The planning proposal must be placed on exhibition within six weeks of receiving gateway determination.
6. The planning proposal must be reported to council for a final recommendation within 10 months from the date of the Gateway determination.
7. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
8. Given the nature of the planning proposal, Council should be the local plan-making authority.



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