



IRF22/2443

## Gateway determination report – PP-2022-2295

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80 Betty Cuthbert Drive, Lidcombe – amend zoning, height of buildings, floor space ratio and lot size controls (an additional 85 dwellings and 90 jobs)

July 22



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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A – Council planning proposal – June 2022
Attachment B – Local Planning Panel report and Advice – 13 April 2022
Attachment C – Council Report and Minute – 4 May 2022
Attachment D – Proponent Planning Proposal Report – March 2022
Attachment E – Urban Design Report – Urbis – August 2021
Attachment F – Draft Cumberland DCP – Residential Site Specific – Part F1-19 –80 Betty Cuthbert Drive, Lidcombe - undated
Attachment G – Department of Education Letter – 1 September 2021
Attachment H – Traffic and Transport Assessment Report – Mott Macdonald – 15 March 2022
Attachment I – Preliminary Environmental Assessment Report – Mott Macdonald – 4 August 2021
Attachment J – Preliminary Tree Assessment – Ecological Australia – 28 June 2019
Attachment K – Habitat Assessment and Targeted Flora Survey – Ecological Australia – 17 June 2019
Attachment L – Stage 1 - Preliminary Contamination and Acid Sulfate Soils Investigation Report – Mott MacDonald - 04 August 2021
Attachment M – Utilities and Services Report – Mott MacDonald – 4 August 2021
Attachment N – Water Cycle Management Report – Mott MacDonald – 9 March 2022
Attachment O – Preliminary consultation – Proponent – Urbis – 26 July 2021
Attachment P – Preliminary consultation – Council

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Cumberland</b>
<b>PPA</b>	Cumberland Council
<b>NAME</b>	80 Betty Cuthbert Drive, Lidcombe – amend zoning, height of buildings, floor space ratio and lot size controls (an additional 85 dwellings and 90 jobs)
<b>NUMBER</b>	PP-2022-2295
<b>LEP TO BE AMENDED</b>	Cumberland LEP 2021
<b>ADDRESS</b>	80 Betty Cuthbert Drive, Lidcombe
<b>DESCRIPTION</b>	Lot 475 DP 45747, Lot 74 and 75 DP 1141724
<b>RECEIVED</b>	23/06/2022
<b>FILE NO.</b>	IRF22/2443
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal (**Attachment A**). The objectives of the proposal are to facilitate redevelopment of the site for the following mix of land uses:

- a new multiple sclerosis health facility;
- a new educational establishment;
- medium density housing; and
- associated stormwater detention basins and local roads.

## 1.3 Explanation of provisions

The planning proposal seeks to amend Cumberland LEP 2021 (LEP) and facilitate development as described in the table below.

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	SP2 Hospital	SP2 Hospital, SP2 Educational Establishment, SP2 Drainage and R3 Medium Density Residential
Height of buildings	N/A	9 metres within the proposed R3 zone
Floor space ratio	N/A	0.75:1 within the proposed R3 zone
Lot size	N/A	170 - 350 square metres (sqm)* within the proposed R3 zone
Number of dwellings	Nil	Additional 53 - 85
Number of jobs	40	130 (90 additional)

\*Clause 4.1(3C) of Cumberland LEP 2021 (shown below) provides site-specific minimum lot size requirements on the 'Botanica' (Former Lidcombe Hospital Site) residential area, adjoining the site to the south. The planning proposal seeks to extend the provision of this clause to apply to the residential component of the site.

### **4.1 Minimum subdivision lot size**

*(3C) The minimum lot size for development on land shown edged blue and identified as "Former Lidcombe Hospital Site" on the Lot Size Map is as follows in relation to development for the purposes of—*

*(a) dwelling houses—*

*(i) 350 square metres, or*

*(ii) if a garage will be accessed from the rear of the property—290 square metres, or*

*(iii) if the dwelling house will be on a zero lot line—270 square metres,*

*(b) semi-detached dwellings—270 square metres,*

*(c) multi dwelling housing—170 square metres for each dwelling,*

*(d) attached dwellings—170 square metres*

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The planning proposal is supported by an urban design report (Attachment E) and a draft site-specific development control plan (Attachment F) to guide future development applications. The planning proposal is also supported by a number of other technical reports which assess the impacts of matters such as traffic, environment, contamination and infrastructure. These supporting documents will be exhibited with the planning proposal. The impacts of the proposed amendments are discussed in Section 4 of this report.

## 1.4 Site description and surrounding area

The site is known as 80 Betty Cuthbert Drive, Lidcombe. It is irregular in shape and has an area of approximately 5.88 hectares (**Figure 1**). It has a primary frontage of approximately 360 metres to Joseph Street (to the west), a classified road, and an alternative vehicular entry/exit point at the end of Betty Cuthbert Drive (to the south-east).

The site is gently sloping with a high point towards the centre of the site. Two drainage easement traverse the site to allow stormwater from upstream properties to drain to the low point on the site before being diverted under Joseph Street.

The site accommodates a health services facility used by Multiple Sclerosis Limited (MSL). The existing 4,300sqm brick building provides office space, treatment facilities and respite care facilities. Car parking, internal roads and landscaping also form part of the facility.



**Figure 1 Subject site** (source: Council planning proposal, edited by the Department)

The site is located approximately 1.2km south of Lidcombe Train Station (a major interchange for the T1 Western, T2 Leppington, T3 Bankstown and T7 Olympic Park lines and bus services) and Lidcombe Local Centre, 1.2km east of Berala Train Station and Berala Local Centre, 5km south-west of Sydney Olympic Park and 8km south-east of Parramatta CBD (**Figure 2**).

Bus stops are located on Joseph Street on the western site boundary of the site and East Street, 700 metres to the east, providing access to other local centres including Homebush, Chullora, Bankstown and East Hills. The M92 from East Street provides services between Parramatta and Sutherland.

Surrounding land uses include:

- to the north and east: established residential neighbourhoods, dominated by 1-2 storey detached dwellings;
- to the south – the ‘Botanica’ estate (former Lidcombe hospital site), with a mix 1-2 storey attached and detached houses;
- to the south-east – Lidcombe TAFE and Sydney University Cumberland Campus; and
- to the west – Carnarvon Golf Course and Coleman Park (across Joseph Street).

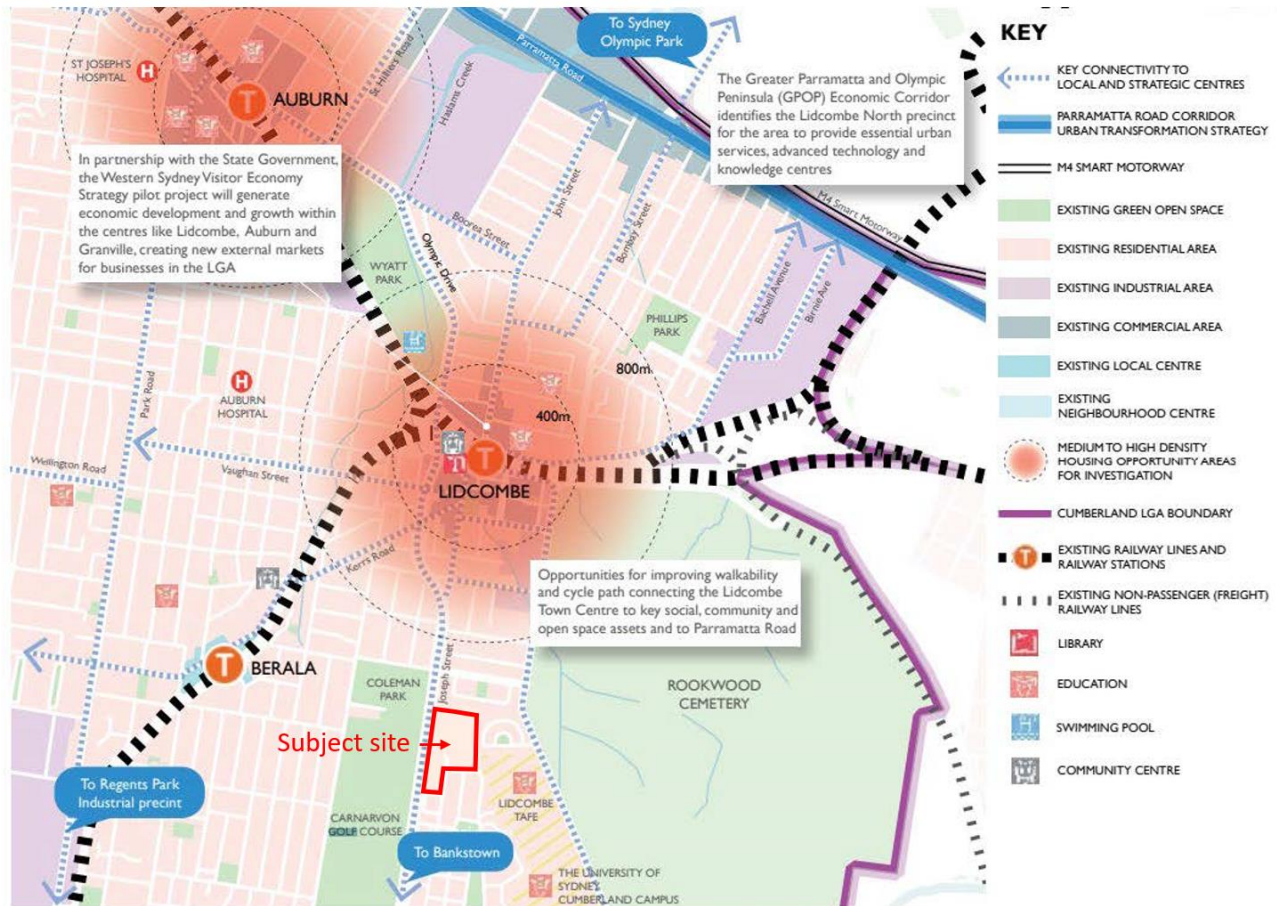


Figure 2 Site context (source: Council planning proposal)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning maps, height of buildings maps, floor space ratio maps and lot size maps which are suitable for community consultation. The relevant existing and proposed maps are shown below as (Figure 3 to Figure 10).



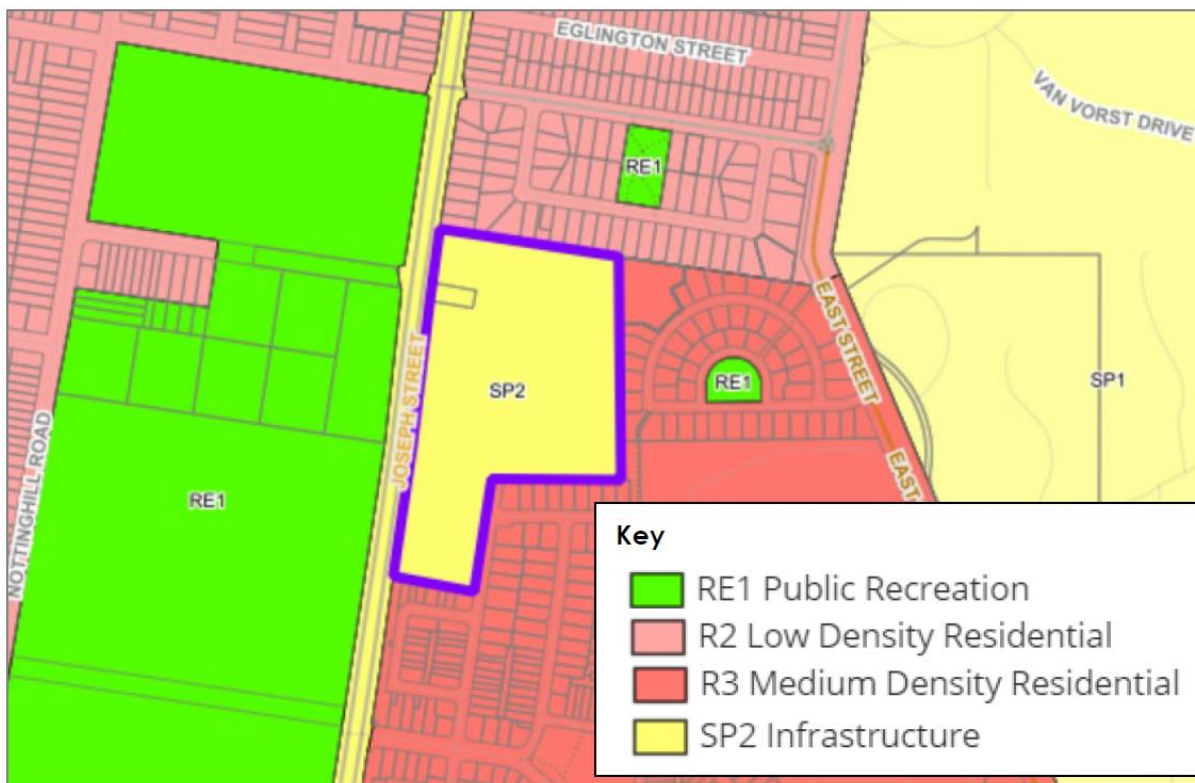


Figure 3 Existing zoning (source: Council planning proposal)

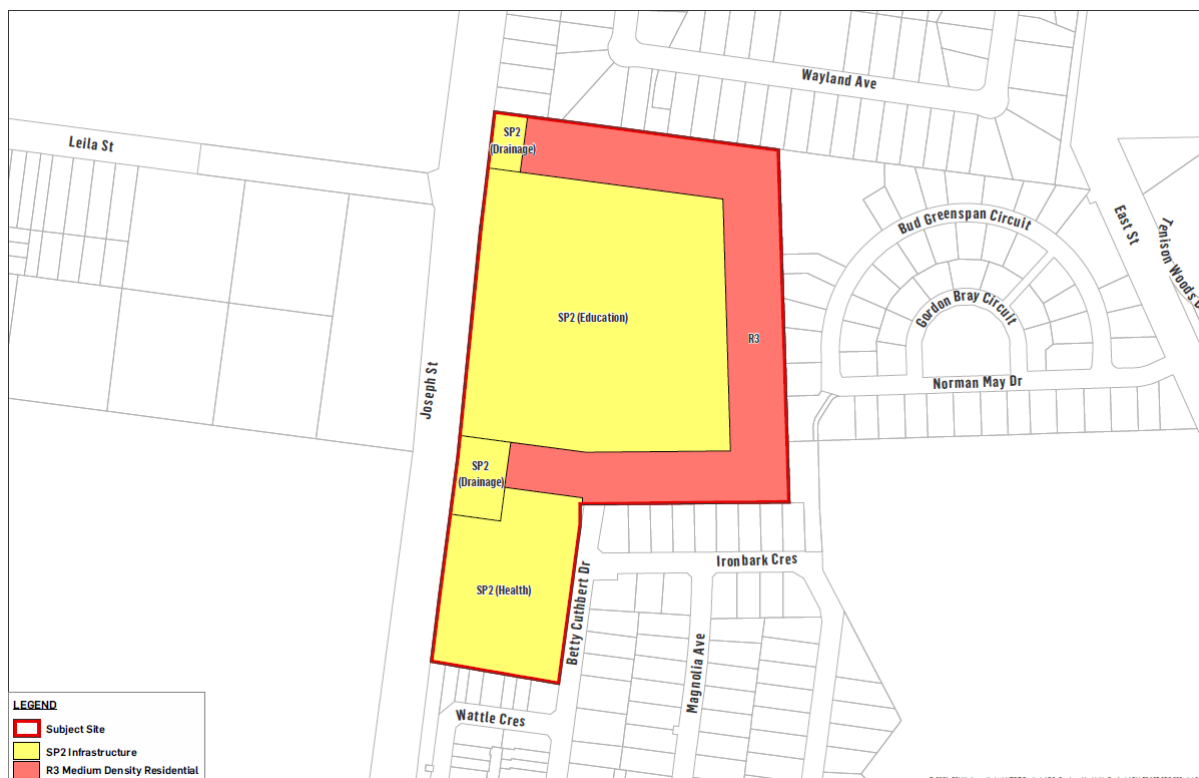


Figure 4 Proposed zoning (source: Council planning proposal)



Figure 5 Existing height of buildings (source: Council planning proposal)



Figure 6 Proposed height of buildings (source: Council planning proposal)

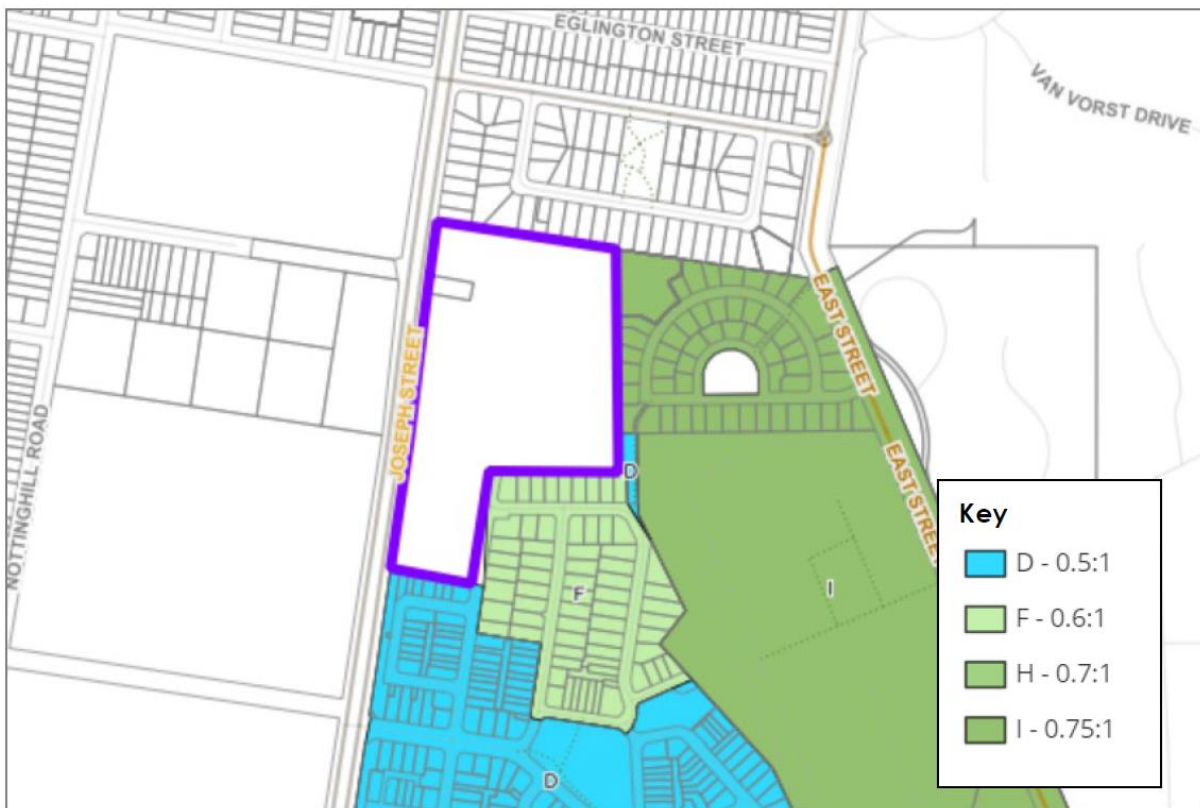


Figure 7 Existing floor space ratio (source: Council planning proposal)



Figure 8 Proposed floor space ratio (source: Council planning proposal)



Figure 9 Existing lot sizes (source: Council planning proposal)

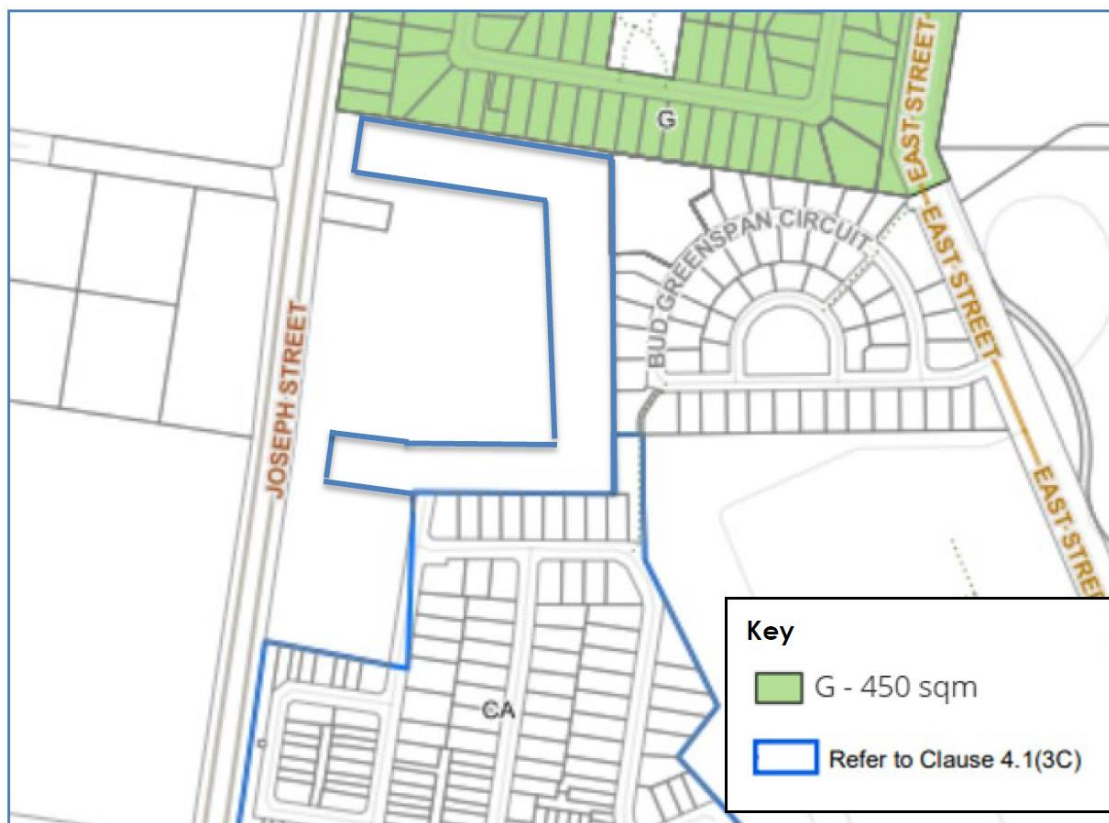


Figure 10 Proposed lot sizes (source: Council planning proposal)

## 1.6 Indicative masterplan

The planning proposal seeks to facilitate redevelopment of the site for a mix of land uses, as shown in the indicative masterplan (**Figure 11**). The components of the masterplan are:

- A new Multiple Sclerosis facility: The facility will include 20 two-bedroom units for temporary accommodation, carparking and new access driveways, drainage and stormwater detention works and tree removal, and will be located on the indicated area at the south-western portion of the site. Consent for this development was approved by the Sydney Central City Planning Panel on 15 November 2021 (DA2021/0435).
- Educational establishment: The delivery, type and scale of educational establishment is yet to be confirmed, and is subject to the preparation of a business case by NSW Department of Education (DoE) and approval by NSW Treasury. Until a business case is approved, the NSW Government is unable to provide a firm commitment to the type of educational establishment or timing for delivery (Attachment G). To assist with the assessment of the planning proposal, the future educational establishment has been designed with consideration of a maximum capacity of 1,000 primary students.
- Medium density housing: The proposed planning controls for this part of the site are similar to those for the adjoining Botanica estate (former Lidcombe Hospital Site) to the south and the residential areas to the north and east of the site. The controls will permit 1-2 storey attached and detached dwellings on sites 170 - 350 sqm in size. Property and Development NSW intends to sell this part of the site to a private developer.
- Stormwater detention basins and local roads to serve the development.

The distribution of land uses are identified in the table below.

**Table 4 Proposed land uses**

Land Use	Area (sqm)	% of site
MSL health facility	9,516	16%
Educational establishment	18,518	32%
Residential	17,777	30%
Stormwater basins	2,272	4%
Road reserve	10,731	18%

The development concept is assessed in Section 4 of this report.



Figure 11 Proposed indicative masterplan (source: Council planning proposal)

## 1.7 Background

Property and Development NSW (PDNSW) (the proponent), a division of the NSW Department of Planning and Environment (the Department), has identified that the existing MSL health facility is approximately 30 years old and no longer meets ongoing operating requirements. The State Government has approved a \$16 million contribution to assist MSL to develop and deliver a new neurological health care facility on a portion of the site to meet their future needs and plans.

The Department of Education (DoE) has identified part of the site to provide a future educational establishment but are not yet able to confirm its delivery, type and size.

The indicative master plan was developed following an extensive review of the current facilities, a feasibility study, consideration of the detailed technical investigations, and extensive consultation and approval by MSL and DoE. Ongoing consultation between the proponent, Council, Transport for NSW (TfNSW) and Roads and Maritime Services (now part of TfNSW) commenced in May 2019.

PDNSW lodged the planning proposal request with Council on 3 September 2021. Council considered the planning proposal and conducted an early community consultation from 16 October 2021 to 3 November 2021. The majority of submissions supported the planning proposal.

Cumberland Local Planning Panel (LPP) advised that they supported the planning proposal on 13 April 2022. The LPP recommended further consideration of the issues of significance trees, promoting public transport use, providing pedestrian links and heritage.

Council resolved to forward the planning proposal to the Department on 1 June 2022. Council also endorsed the draft site-specific Development Control Plan (DCP) (**Attachment F**) for the site and to exhibit the planning proposal and DCP concurrently.

An assessment of strategic and site-specific merit of the planning proposal are included in Section 4 of this report.

## 2 Need for the planning proposal

The planning proposal is the best means of achieving the objectives of the proposal to redevelop the site for a mixture of uses.

The planning proposal is a result of the request for a planning proposal by PDNSW (the proponent). The planning proposal responds to one of functions of PDNSW to repurpose underutilised State government land.

## 3 Strategic assessment

### 3.1 District Plan

The site is within the area subject to the Central City District Plan released by the Greater Cities Commission (former Greater Sydney Commission) 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant plan priorities.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
C1 Planning for a city supported by infrastructure	<p>The proposal will provide substantial infrastructure in terms of:</p> <ul style="list-style-type: none"> <li>• a new health facility;</li> <li>• a new educational establishment; and</li> <li>• stormwater detention basins, local roads and pedestrian links to surrounding areas.</li> </ul>

District Plan Priorities	Justification
	<p>The proposal will be adequately served by existing infrastructure including:</p> <ul style="list-style-type: none"> <li>• direct access to Joseph Street, a major arterial and classified road;</li> <li>• local bus routes form Joseph Street and East Street connected to the Lidcombe Train Station and Lidcombe Local Centre, Berala Train Station and Berala Local Centre, other local centres including Homebush, Chullora, Bankstown and East Hills, and a regional bus service between Parramatta and Sutherland; and</li> <li>• established connections to electricity, water and sewer infrastructure, which currently service the existing MSL health facility.</li> </ul>
C3 Providing services and social infrastructure to meet people’s changing needs	<p>The proposal will facilitate significant services and social infrastructure in terms of:</p> <ul style="list-style-type: none"> <li>• a new health facility; and</li> <li>• a new educational establishment.</li> </ul>
C4 Fostering healthy, creative, culturally rich and socially connected communities	<p>The proposal will facilitate healthy and socially connected communities by:</p> <ul style="list-style-type: none"> <li>• co-locating a health facility and educational establishment;</li> <li>• delivering healthy, safe, and inclusive places for people of varied ages and abilities; and</li> <li>• providing opportunities for people to walk, cycle and use public transport.</li> </ul>
C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal will facilitate additional medium density housing consistent with the local character of the area and in a location with access to supporting services and public transport.</p>
C9 Delivering integrated land use and transport planning and a 30-minute city.	<p>The proposal is located approximately 30 minutes by public transport to the Parramatta CBD metropolitan centre and Sydney Olympic Park strategic centre identified in the District Plan.</p> <p>Public transport by train and local and regional bus services also provides access to a number of centres, including Lidcombe, Berala, Homebush, Chullora, Bankstown, East Hills and Sutherland.</p>
C16 Increasing urban tree canopy cover and delivering Green Grid connections	<p>The proposal will facilitate the maintenance of the urban tree canopy by:</p> <ul style="list-style-type: none"> <li>• maintaining the landscape character of the site by retaining identified medium and high value trees; and</li> <li>• retaining trees where possible along the site boundaries within a 10m landscaped buffer zone to Joseph Street and at the rear side of the residential development.</li> </ul> <p>The site is not identified in a green grid project or opportunity in the District Plan.</p>



## 3.2 Local

The proposal is consistent with the following local plans and endorsed strategies and is outlined in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The LSPS was endorsed by the former Greater Sydney Commission in March 2020. The statement identifies a strategic land use framework to guide a 20 year vision for the economic, social and environmental land use needs, and planning and delivery growth in the Cumberland LGA in accordance with the Greater Sydney Region Plan and the District Plan.</p> <p>The proposal is consistent with LSPS priorities:</p> <ul style="list-style-type: none"> <li>• P5: Deliver housing diversity to suit changing needs: The proposal will facilitate a mix of up to 85 medium density dwellings, consistent with the local character and scale of the Botanica area to the south and the residential areas to the north and east of the site.</li> <li>• P9. Providing high quality, fit-for-purpose community and social infrastructure in accordance with growth and changing requirements: The proposal will provide social infrastructure in a co-located health and educational establishment to meet the needs of the LGA's growing population.</li> <li>• P13: Protect and enhance natural and green spaces and sports facilities: The proposed masterplan will facilitate retaining significant vegetation and to provide a 10m landscaped buffer zone along Joseph Street.</li> </ul>
Local Housing Strategy (LHS)	<p>The LHS was conditionally endorsed by the Department on 21 July 2021. The strategy promotes the sustainable growth of Cumberland with a key focus on providing housing diversity and affordability, a vibrant and safe place for the community to live and work which supports the 30-minute city.</p> <p>The proposal is consistent with LHS priorities and the Department's approval requirements aimed to better align the LHS to the District Plan and ensure a holistic planning framework to deliver housing in appropriate locations. Consistency with the LHS priorities is described below:</p> <ol style="list-style-type: none"> <li>1. Delivering housing diversity to suit changing community needs <p>The planning proposal will facilitate development of medium density housing to meet the needs of the LGA's diverse community and renew underutilised public land.</p> </li> <li>2. Promoting transit-oriented housing options to support the 30 minute city <p>The planning proposal will facilitate development of housing located approximately 30 minutes by public transport to the Parramatta CBD metropolitan centre and Sydney Olympic Park strategic centre.</p> </li> <li>3. Facilitating housing that respects and enhances local character <p>The planning proposal will facilitate development of housing that reflects the local character by adopting similar development controls to those of the</p> </li> </ol>

Local Strategies	Justification
	<p>Botanica area to the south and the residential areas to the north and east of the site.</p> <p>4. Valuing heritage and cultural diversity in housing</p> <p>The planning proposal will facilitate development of housing that reflects the heritage character of the Former Lidcombe Hospital site and Botanica area to the south by adopting the development controls consistent with the Botanica area.</p> <p>5. Infrastructure-led housing delivery</p> <p>The planning proposal will facilitate development of housing incorporate with major social infrastructure delivery of a health facility and educational establishment.</p>

### 3.3 Local planning panel

Cumberland Local Planning Panel (LPP) advised that they supported the planning proposal on 13 April 2022 (Attachment B). The LPP recommended detailed consideration of the matters discussed in the table below, which are adequately addressed by the planning proposal:

**Table 7 LPP advice consideration**

Matter	Adequacy
Significant trees	The draft DCP was updated to identify significant trees on the site.
Public transport and bus access	Public bus services are located on Joseph Street and East Street. The State Significant Development for the educational establishment will require a Green Travel Plan to incorporate public transport provision. Detailed consideration of public transport and bus access matters can be more adequately assessed at this stage.
Pedestrian links	The pedestrian links shown in the masterplan are indicative. The final location and design of pedestrian links can be determined at the detailed design stage.
Former Lidcombe Hospital site interface	The indicative masterplan and Council's existing DCP reflect the landscaped character of development to the south within the Former Lidcombe hospital site. Council did not consider it necessary to add any specific controls relating to heritage given the built up nature between the site and the distance between the state listed heritage precinct area, located a minimum of 260m from the site.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 8 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site-specific Provisions	Yes	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls including imposing any development standards or requirements in addition to those already contained in the planning instrument being amended.</p> <p>As outlined in the explanation of provisions section (Section 1.3) of this report, the proposed planning will rezone the site to zones with development controls which already exist in the Cumberland LEP, and similar to those for the adjoining Botanica area (former Lidcombe Hospital Site) to the south and the residential areas to the north and east of the site. The residential zone for the site will adopt the following maximum development controls:</p> <ul style="list-style-type: none"> <li>• height of buildings control of 9m, which is the same as the height control of all residential zones adjoining the site.</li> <li>• FSR control of 0.75:1 which is the same FSR control for the residential zone to east of the site.</li> </ul> <p>lot size control of 170 - 350 square metres (sqm) which is the same as the lot size control for the Botanica area to the south of the site.</p>
4.1 Flooding	Not applicable	<p>The objectives of this Direction ensure effective management of development on flood prone land.</p> <p>The site is not identified as flood prone under the Cumberland LEP. The flooding risk from stormwater runoff will be managed by developing three above ground detention basins in the landscaped setback area along Joseph Street and the use of the existing stormwater drainage network.</p>
4.4 Remediation of Contaminated Land	Yes	<p>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.</p> <p>The planning proposal is supported by a Preliminary Contamination and Acid Sulfate Soils Investigation (<b>Attachment L</b>). The report states that there is no evidence of historical or existing contamination on the site and risk of potential contamination on site is low. Any additional contamination investigations can be resolved and managed at the development application stage.</p>
4.5 Acid Sulfate Soils	Justifiably inconsistent	<p>The objective of this direction is to avoid the impacts resulting from development of land that has a probability of containing acid sulfate soils.</p> <p>The land is designated Class 5, being the class with the lowest likelihood of acid sulfate soils being present. While no study has</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>been prepared for the planning proposal, the LEP contains sufficient controls to require this matter to be addressed through the development application stage. The proposal's inconsistency with the direction is considered to be of minor significance.</p>
5.1 Integrating Land Use and Transport	Yes	<p>The objective of this direction is to ensure that urban development provision improves access to housing, jobs and services by walking, cycling and viable public transport, and reduces travel demand and car use.</p> <p>The proposal will facilitate an increase in medium density residential housing, and health and education jobs in proximity to walking, cycling opportunities and viable public transport services.</p>
6.1 Residential Zones	Yes	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) minimise the impact of residential development on the environment and resource lands.</li> </ul> <p>The planning proposal will facilitate the supply of up to 85 medium density dwellings on the site, broadening housing choice within the LGA and assist meeting the housing targets of the District Plan. The site is located in an established urban area and will make efficient use of existing infrastructure and services. The Utilities and Services report (<b>Attachment M</b>) supporting the planning proposal identifies upgrades or modifications to the existing utilities infrastructure that will be required for the redevelopment of the site. The report concludes that utility servicing for the site is not expected to present a constraint for future development.</p> <p>The proposed health facility and educational establishment will add to the social infrastructure of the area. The proposed residential development will adopt planning controls similar to those adjoining residential areas.</p>

### 3.5 State environmental planning policies (SEPPs)

No SEPPs are directly applicable to the planning proposal as discussed in the table below.

**Table 9 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Transport and Infrastructure) 2021	The SEPP contains planning provisions for infrastructure in NSW, such as hospitals, major roads, railways, rail links, ports, child-care centres, schools, TAFEs and Universities.	Not Applicable	The provision of the SEPP will be relevant to the consideration of consent for the future development of the site for an educational establishment and for development with access to a classified road (Joseph Street).

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal. The planning proposal is considered to have an acceptable and manageable environmental impact on site and the surrounding area.

**Table 10 Environmental impact assessment**

Environmental Impact	Assessment
Traffic, parking, pedestrians and cycleways	<p>The proposal is unlikely to result in significant adverse traffic and parking impacts, and these impacts are considered manageable.</p> <p>The planning proposal is supported by a Traffic and Transport Assessment Report (<b>Attachment H</b>). The report concludes that the proposal will result in increased traffic volumes and recommends a number of measure to manage the impact of this increase. The report has informed ongoing consultation about traffic and parking management and infrastructure requirements between TfNSW, Council and the proponent.</p> <p>The Department understands that an update has recently been made to this report and should be included with the planning proposal for public exhibition. A condition has been included requiring this.</p> <p>The masterplan has been developed to address TfNSW requirements including:</p> <ul style="list-style-type: none"> <li>• an internalised local road to service car, bus, drop-off and pick-up access to proposed educational establishment, the MSL health facility and residential dwellings, minimising increased traffic on existing local roads such as Betty Cuthbert Drive,</li> <li>• a single access point to the site from Joseph Street to minimise the traffic impact on this classified road,</li> <li>• an interim left-in left-out intersection from the proposed local road to Joseph Street,</li> <li>• an upgraded signalised intersection from the local road to Joseph Street to be provided prior to the development of the educational establishment, to accommodate the additional traffic generation,</li> <li>• a potential pedestrian bridge over Joseph Street for pedestrian safety,</li> <li>• new pedestrian and cycleway connections to surrounding areas, Ironbark Walkway and across Joseph Street to Carnarvon Golf Course, Coleman Park and the Berala local centre and railway station.</li> </ul> <p>It is recommended that TfNSW continue to be consulted on the planning proposal.</p>

Environmental Impact	Assessment
Built form and local character	<p>The proposal is unlikely to result in adverse impacts on the built form and local character of the surrounding area:</p> <ul style="list-style-type: none"> <li>• The design of the new MSL health facility was approved by the Sydney Central City Planning Panel on 15 November 2021.</li> <li>• The proposed educational establishment will be subject to the design controls and design quality principles in the Transport and Infrastructure SEPP and associated Design Guide for Schools.</li> <li>• The proposed residential development and landscaping requirements will be subject to development controls in the Cumberland LEP, draft site-specific DCP and masterplan to be consistent with the built form and local character of the Botanica area to the south and the residential areas to the north and east of the site.</li> <li>• A detailed assessment of these impacts can be addressed as part of the detailed design and development of the site.</li> </ul>
Critical habitat, threatened species, populations or ecological communities	<p>The proposal is unlikely to result in adverse impact to critical habitat, threatened species, populations or ecological communities.</p> <p>The proposal is supported by a Preliminary Environmental Assessment (<b>Attachment I</b>). The assessment recorded a search of the NSW Office of Environment and Heritage BioNet database for species protected from harm under the <i>Biodiversity Conservation Act 2016 and Environment Protection and Biodiversity Conservation Act 1999</i>. No species were listed as sighted within the site. The assessment recommends flora and fauna connectivity be maintained through the site through landscape design, with unbroken planting at ground and flight level to link the green spaces to the east and west to retain potential movement paths of threatened species through the site. The proposed masterplan and draft DCP maintain the landscape character of the site by retaining medium and high value trees. Trees are also proposed to be retained where possible along the site boundaries within the rear yards of the proposed residential development and the proposed 10m landscaped buffer zone to Joseph Street, to create additional potential habitats including amphibians habitats within the stormwater detention basins.</p> <p>The proposal is supported by a Preliminary Tree Assessment (<b>Attachment J</b>) and Habitat Assessment and Targeted Flora Survey (<b>Attachment K</b>) that state that no threatened flora and threatened fauna had been previously recorded on the site.</p> <p>A detailed assessment of the impacts of development on flora and fauna can be addressed as part of the detailed design and development of the site. The proposal notes that a future development application should be accompanied by a Biodiversity Development Assessment Report and a Construction Management Plan.</p> <p>It is recommended that NSW Environment and Heritage be consulted on the planning proposal.</p>

Environmental Impact	Assessment
Contamination and Acid Sulfate Soils	<p>The proposal is unlikely to result in adverse impact from contamination or acid sulfate soils.</p> <p>The planning proposal is supported by a Preliminary Contamination and Acid Sulfate Soils Investigation (<b>Attachment L</b>). The report states that there is no evidence of historical or existing contamination on the site and risk of potential contamination on site is low.</p> <p>The Cumberland LEP classifies the site as Class 5 for acid sulfate soils, the classification in which acid sulfate soils are least unlikely to be found. The preliminary report also states that acid sulfate soils are considered unlikely within the site. Any additional contamination or acid sulfate soils investigations can be resolved and managed at the development application stage.</p>
Amenity	<p>The proposal is unlikely to result in adverse impact to the amenity of the users and residents of the site.</p> <p>Noise impacts from traffic and the proposed educational establishment will be generated closest to the Joseph Street boundary and reduce impacts on residential properties along the northern, eastern and southern boundaries. A 10m landscaped buffer along Joseph Street is proposed to assist with any potential acoustic and visual impacts.</p>

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal. The planning proposal is considered to have a positive social and economic impact for the site and surrounding area.

**Table 11 Social and economic impact assessment**

Social and Economic Impact	Assessment
Health facility (MSL)	<p>The new MSL health facility is considered to provide a positive social and economic impact. The State Government has approved a \$16 million contribution to assist MSL to develop and deliver a new neurological health care facility on a portion of the site to meet their future needs and plans. The new facility will provide approximately 60 staff on site, a net uplift of 20 additional jobs.</p> <p>It is recommended that the NSW Health be consulted on the planning proposal.</p>
Educational establishment	<p>A proposed educational establishment is considered to provide a positive social and economic impact. The delivery, type and scale of educational establishment is yet to be confirmed by DoE. However, it is expected to provide a maximum capacity of 1,000 primary students and approximately 70 jobs new jobs.</p> <p>It is recommended that the School Infrastructure NSW be consulted on the planning proposal.</p>
Housing	<p>The proposal will facilitate the development of up to 85 medium density dwellings to meet the housing needs of the LGA's diverse community.</p>



Jobs	The proposed new MSL health facility and educational establishment will provide approximately 130 staff on site, a net uplift of 90 additional jobs. A number of temporary jobs will be provided during the construction stage of the new facilities and housing.
Local centres	The additional residents and workers associated with the proposed development will potentially increase patronage for access to services and amenities at local centres.
Public land	The proposal will facilitate development and renewal of underutilised public land.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal. The planning proposal is considered to adequately address the existing and proposed infrastructure required to service proposed development on the site and surrounding area.

**Table 12 Infrastructure assessment**

Infrastructure	Assessment
Health facility (MSL)	The new MSL health facility is significant infrastructure which will provide a positive public benefit for the wider community.
Educational establishment	The proposed educational establishment is significant infrastructure which will provide a positive public benefit to the wider community.
Roads, traffic and transport	The site is serviced by existing road and transport infrastructure. The proposal will facilitate provision of additional road, traffic and transport infrastructure as described in section 4.1 of this report. The provision of infrastructure is subject to ongoing consultation between TfNSW, Council and the proponent.
Stormwater	<p>The proposal will facilitate provision of stormwater management infrastructure.</p> <p>The proposal is supported by a Water Cycle Management Report (<b>Attachment N</b>). The report identifies the existing stormwater flow and management on the site and recommends stormwater and water quality management systems for the proposed development.</p> <p>Above ground detention basins at two locations are proposed on site. The basins will reduce the rate of stormwater runoff discharged to the public drainage network from development. The basins will be located within the 10m landscaped buffer area along Joseph Street and zoned for public infrastructure. The basins will allow water to pool during storm events and slowly discharge to the pit and pipe network. The proposed site drainage to Joseph Street, as a classified road, will meet both TfNSW and Council requirements.</p>

Utilities	<p>The proposal is considered to be adequately served by existing utilities, noting that the site is located in an established urban area with connections to sewer, water, electrical, telecommunications, and gas infrastructure. The proposal is supported by a Utilities and Services Report (<b>Attachment M</b>). The report states that sewer, water, electrical, telecommunications, and gas servicing for the site is not expected to present a constraint for development.</p> <p>It is recommended that utility providers be consulted on the planning proposal.</p>
Public benefits	<p>The proponent has not offered to enter into a public benefit planning agreement with Council. However, the proposal offers the provision of significant infrastructure which will provide the following public benefits:</p> <ul style="list-style-type: none"> <li>• A new MSL health facility.</li> <li>• A proposed educational establishment.</li> <li>• A local road for car, bus, drop-off and pick-up access to the new MSL health facility, proposed educational establishment and residential development.</li> <li>• Signalised intersection on Joseph Street.</li> <li>• Potential pedestrian bridge over Joseph Street.</li> <li>• New pedestrian and cycleway connections to surrounding areas.</li> <li>• Stormwater drainage detention basins to manage run-off and flooding.</li> </ul>

## 5 Consultation

The planning proposal is considered to be classified into the 'standard' category in accordance with the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) (LEP guideline). The classification applies as the proposal refers to the following proposed LEP amendment types:

- to change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone,
- that relates to altering the principal development standards of the LEP,
- that is consistent with an endorsed District/Regional Strategic Plan and/or LSPPS.

### 5.1 Community

Council placed the planning proposal request on early consultation from 6 October 2021 to 3 November 2021, in accordance with Council policy requirements. In response a total of 36 submissions were received, including eight objections, twenty in support and eight neutral submissions. The issues raised in the submissions included:

- Most submissions expressed strong support for the establishment of a new school on the site.
- Many submissions requested for additional uses be delivered on the site as part of the proposal, including open space and commercial/retail uses, to reduce the need for residents to drive to other surrounding areas to access services and facilities.
- Concerns about potential impacts associated with the proposed school and residential component, including pedestrian safety, traffic and parking, and amenity impacts such as privacy and noise.
- Objections to the residential component.

The proposal notes that a community consultation will be undertaken as required by the Gateway determination. It is recommended that the proposal is publicly exhibited for 20 working days in accordance with the LEP guideline and the Gateway determination conditioned accordingly.

## 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment in accordance with the LEP Making Guideline and the Gateway determination conditioned accordingly:

- Transport for NSW
- School Infrastructure NSW
- NSW Health
- NSW Environment and Heritage
- Utility providers

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP. In accordance with the LEP Guideline and the Department's commitment to reduce processing times, it is recommended that the Gateway determination includes conditions requiring Council to meet the following timeframes, and that the planning proposal is updated accordingly:

- within 2 months of the date of the Gateway determination - exhibit the planning proposal
- within 5 months of the date of the Gateway determination - report to Council for a final recommendation
- within 9 months of the date of the Gateway determination - complete the LEP.

## 7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority. As the proposal involves state significant development it is considered that Council should not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal demonstrates strategic and site-specific merit. The proposal provides an opportunity to renew underutilised public land and deliver a new MSL health facility, educational establishment and additional housing in Cumberland LGA with generally positive and no adverse environmental, social, economic and infrastructure impacts.

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan.
- It is consistent with the strategic direction and objectives of Cumberland Council's Local Strategic Planning Statement and Local Housing Strategy.
- It is generally consistent with all relevant section 9.1 Ministerial Directions.
- It is considered to have generally positive environmental, social, economic and infrastructure impacts.

As discussed in the previous sections 3 and 4, the proposal and relevant supporting material should be updated to include the Gateway conditions included in Section 9 of this report.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 4.5 Acid Sulfate Soils is minor and justified.

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

1. Prior to public exhibition, the planning proposal is to be updated to:
  - a. Individually identify and attach all technical reports and documents relevant to the planning proposal and exhibit these as individual accompanying documents.
  - b. Include the most recent copy of the Traffic and Transport Assessment Report.
  - c. Updated project timeline to reflect the timeframe conditions of this determination.
2. The planning proposal should be made available on public exhibition for a minimum of 20 working days.
3. Consultation is required with the following public authorities for a minimum of 30 days:
  - Transport for NSW
  - School Infrastructure NSW
  - NSW Health
  - NSW Environment and Heritage
  - Utility providers
4. The planning proposal must be exhibited within 2 months of the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation within 5 months of the date of the Gateway determination.
6. The timeframe for finalising the LEP is to be within 9 months of the date of the Gateway determination.
7. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.

26.07.2022

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28/07/2022

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