



IRF23/942

## Gateway determination report – PP-2022-2534

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The Wattles, South Wentworthville

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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 – Planning Proposal (March 2023)
Attachment B – Draft Site Specific DCP
Attachment C – Noise Impact Assessment (SLR, May 2022)
Attachment D – Preliminary Site Investigation (Douglas Partners, April 2022)
Attachment E – Traffic Impact Assessment (Stantec, February 2022)
Attachment F – Preliminary Heritage Constraints and Opportunities Analysis (Extent Heritage, June 2022)
Attachment G – Desktop Acid Sulfate Soils Assessment (Douglas Partners, April 2022)
Attachment H – Concept Plans Revision F (White Start Developments, November 2022)
Attachment I – Urban Design Advice (Olsson, August 2022)
Attachment J – Letter of Offer – VPA – (Mecone, June 2022)
Attachment K – Schedule of Conservation Works (Sue Rosen Associates, October 2021)
Attachment L – Council Resolution and Report (October 2022)
Attachment M – Transport for NSW Advice (February 2023)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Cumberland</b>
<b>PPA</b>	<b>Cumberland City Council</b>
<b>NAME</b>	<b>The Wattles, South Wentworthville</b>
<b>NUMBER</b>	<b>PP-2022-2534</b>
<b>LEP TO BE AMENDED</b>	<b>Cumberland Local Environmental Plan 2021</b>
<b>ADDRESS</b>	<b>245-247 Great Western Highway, South Wentworthville</b>
<b>DESCRIPTION</b>	<b>Lot 100 DP 878926</b>
<b>RECEIVED</b>	<b>3/03/2023</b>
<b>FILE NO.</b>	<b>IRF23/942</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The objective of the planning proposal is to enable the redevelopment of the site to deliver:

- a 5-6 storey hotel/motel containing up to 76 rooms
- the adaptive reuse of The Wattles heritage house as a café/restaurant and restoration of the heritage gardens.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Cumberland LEP 2021 as detailed in **Table 3** below.

**Table 3 Current and proposed controls**

<b>Control</b>	<b>Current</b>	<b>Proposed</b>
Height of Building	9m	27m (western portion) and 9m (eastern portion)
Floor space ratio	N/A	1:1

Control	Current	Proposed
Additional permitted uses (APU)	N/A	<p>Introduce the following APU to Schedule 1:</p> <ul style="list-style-type: none"> <li>hotel or motel accommodation (not exceeding 76 rooms and a gross floor area of 3,040m<sup>2</sup>) and other ancillary uses, including rooftop dining on the western part of the site</li> <li>restaurant or café within the existing The Wattles heritage house on the eastern part of the site.</li> </ul>

A draft site-specific development control plan (DCP) has been prepared to support the proposal and a draft Voluntary Planning Agreement (VPA) has been entered into with Council for the provision of public benefits.

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

## 1.4 Site description and surrounding area

The site is irregular in shape and has a total area of 4,775m<sup>2</sup>. It is located between two major roads, being the Great Western Highway (and Liverpool-Parramatta T-way) to the north and the M4 Motorway to the south. An on-ramp to the M4 is located adjacent to the north-eastern boundary. The site is largely cleared of vegetation however trees and shrubs surround the perimeter of the site. An existing locally listed heritage building (The Wattles) is located in the south-east corner of the site.

The site is located approximately 2km west of the Parramatta CBD, 1.5km from the Wentworthville local centre and 1.2km south of the Westmead Health and Education precinct. The site is located within the Greater Parramatta and Olympic Peninsula (GPOP) area. While there is no directly adjoining development, to the north of the Great Western Highway is a school and low-density residential development.



Figure 1 Subject site (source: Nearmaps, March 2023)



## 1.5 Mapping

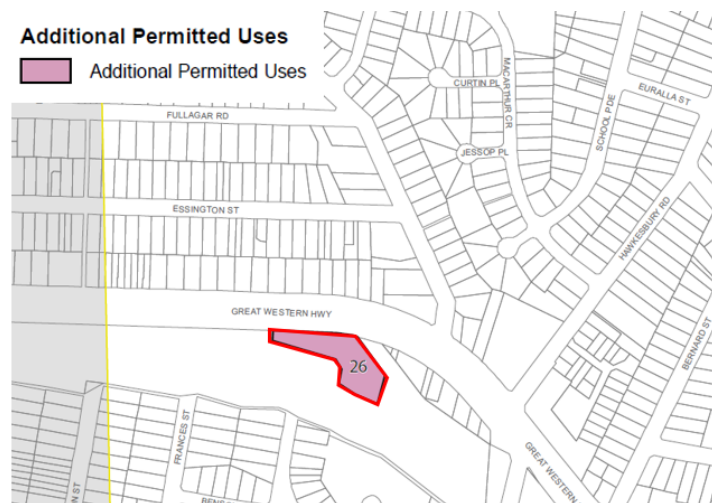
The planning proposal includes mapping showing the proposed changes to the Height of Building and Floor Space Ratio maps, which are suitable for community consultation.



**Figure 2 Current (left) and proposed (right) Height of Building map (source: NSW Legislation website / Planning Proposal)**



**Figure 3 Current (left) and proposed (right) Floor Space Ratio map (source: NSW Legislation website / Planning Proposal)**



**Figure 4 Proposed APU map (source: Planning Proposal)**

The proposed mapping is adequate for public exhibition. However, the Department has included a Gateway condition that the proposed Height of Building map be updated to reflect the maximum of height of building on the western portion of the site being 27m and the eastern portion of the site being 9m (as discussed in **Section 4.1**).

## 1.6 Background

On 28 October 2010, the former Holroyd City Council approved DA2010/93/1 for the demolition of existing sheds and garages on the site and construction of a two-storey motel/motel with 48 rooms, rooftop dining/bar, basement car parking and alterations to 'The Wattles' for use in conjunction with the motel and associated site works. This DA remains active.

Mecone (on behalf of the owner NRB Property Group Pty Ltd) lodged the planning proposal in February 2022. Council undertook early consultation with surrounding properties and agencies, including Heritage NSW and Transport for NSW (TfNSW). Issues relating to built form, traffic, access, parking, amenity and precedent were raised.

The planning proposal was reported to the Cumberland Local Planning Panel (the Panel) on 13 July 2022. In response to Panel advice, Council engaged Olsson Architects to undertake additional urban design analysis, modelling and feasibility testing of the proponent's proposed development scheme.

The planning proposal was subsequently revised based on the review by Olsson Architects. The revised proposal includes a maximum building height of 27m (4-6 storeys) on the western portion and 9m on the eastern portion, instead of 25m (5-6 storeys) throughout the site, to reduce the visual impacts to the existing heritage item.

On 19 October 2022, Council resolved to proceed with Olsson Architects 'Scheme 4', which relocated building height and bulk to the west of the site (as discussed above and in **Section 4.1**).

## 2 Need for the planning proposal

The Department understands that the proposal has been prepared in response to a request from the proponent and is not the result of the Cumberland Local Strategic Planning Statement (LSPS) or other strategic study or report by Council.

The intended outcomes of the proposal cannot be delivered under the current Cumberland LEP as the R2 low density residential zoning prohibits hotels, motels and food and drink premises. A planning proposal is therefore the best method of achieving the objectives and intended outcomes.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
<b>A city of great places</b>	These objectives seek to design great places that bring people together and places where environmental heritage is conserved and enhanced.



Regional Plan Objectives	Justification
<ul style="list-style-type: none"> <li>Objective 12: Great places that bring people together</li> <li>Objective 13: Environmental heritage is identified, conserved and enhanced.</li> </ul>	<p>The proposal presents opportunities to reactivate and restore a local heritage item, The Wattles, which will showcase and maintain the local cultural and aesthetic significance of the property for future generations. In addition, the proposal will provide meeting spaces within the hotel for businesses and members of the community to use for various functions.</p> <p>The Department therefore considers that the proposal is consistent with this objective.</p>
<p><b>A well connected city</b></p> <ul style="list-style-type: none"> <li>Objective 14: integrated land use and transport creates walkable and 30-minute cities</li> <li>Objective 15: The eastern, GPOP and western economic corridors are better connected and more competitive</li> </ul>	<p>These objectives seek to integrate transport with land use to create a 30-minute city and better connect the GPOP area.</p> <p>The proposed hotel/motel uses provide short term and temporary accommodation facilities for visitors, tourists and workers. The site is within a strategic transport corridor and in proximity to Parramatta CBD and Westmead Health and Education Precinct.</p> <p>The site also provides pedestrian access to public transport (T-way between Liverpool and Parramatta) and direct vehicle connections to main road infrastructure (M4 Motorway and Great Western Highway).</p> <p>The Department therefore considers that the proposal is consistent with this objective.</p>
<p><b>Jobs and skills for the city</b></p> <ul style="list-style-type: none"> <li>Objective 19: Greater Parramatta is stronger and better connected</li> <li>Objective 21: Internationally competitive health, education, research and innovation precincts</li> </ul>	<p>These objectives seek to create conditions for a stronger economy in the greater Parramatta area and to create internationally competitive health, education, research and innovation precincts.</p> <p>The planning proposal estimates that the hotel/motel and café/restaurant will deliver approximately 40 additional jobs, in addition to temporary construction related jobs. The hotels proximity to the Westmead health precinct will also provide temporary accommodation for visitors to the health precinct.</p> <p>The Department therefore considers that the proposal is consistent with this objective.</p>

## 3.2 District Plan

The site is within the Central City District and the Greater Cities Commission (formerly Greater Sydney Commission) released the Central City District Plan on 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 Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (the Act). The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
<b>Infrastructure and Collaboration</b> <ul style="list-style-type: none"> <li>• C1 - Planning for a city supported by infrastructure</li> </ul>	<p>These priorities seek to provide infrastructure to support the growth of the city and optimise the use of existing infrastructure.</p> <p>This proposal will contribute towards public domain infrastructure improvements, including upgrades to the existing footpath and verge along the southern side of the Great Western Highway along the frontage of the site along to the T-way bus stop (proposed by the proponent as a part of a draft VPA).</p> <p>The proposal also incorporates the renewal and adaptive re-use of the existing local heritage item on the site, The Wattles, for use as a café or restaurant and provides accommodation and space for functions, available to the public, businesses, visitors and the surrounding neighbourhoods. This supports the growth of Parramatta CBD and the Westmead precinct while optimising use of the existing surrounding infrastructure.</p>
<b>Liveability</b> <ul style="list-style-type: none"> <li>• C4 - Fostering healthy, creative, culturally rich, and socially connected communities</li> <li>• C6 - Creating and renewing great places and local centres, and respecting the District's Heritage</li> </ul>	<p>These priorities seek to create culturally rich and diverse neighbourhoods, that are socially connected.</p> <p>This planning proposal will facilitate the restoration and public access to the site and in particular The Wattles heritage house, supported by commercial restaurant and hotel uses. This will allow increased social connection to the residents living nearby. It will also encourage the respective adaptive reuse of The Wattles cottage.</p>
<b>Productivity</b> <ul style="list-style-type: none"> <li>• C7 – Growing a stronger and more competitive Greater Parramatta</li> </ul>	<p>This objective seeks to create conditions for a stronger economy in the greater Parramatta area and to create internationally competitive health, education, research and innovation precincts.</p> <p>The planning proposal estimates that the hotel/motel and café/restaurant will deliver approximately 40 additional jobs, in addition to temporary construction related jobs. The hotels proximity to the Westmead health precinct will also provide temporary accommodation for visitors to the health precinct.</p> <p>The Department therefore considers that the proposal is consistent with this objective.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement – Cumberland 2030	<p>The LSPS sets out the land use planning context, 10-year vision and planning priorities to guide Cumberland's economic, social and land use needs to provide a highly liveable, environmentally sustainable and socially diverse urban area.</p> <p>The planning proposal gives effect to the following priorities of the LSPS:</p> <p><b>Housing and community</b></p> <p><b>P8 - Celebrating our natural, built and cultural diversity</b></p> <p>The planning proposal seeks the adaptive reuse of The Wattles cottage as a café/restaurant which will restore and celebrate the historic value of the site by providing greater access to, and use of, this local heritage item.</p> <p><b>P9 - Providing high quality, fit-for-purpose community and social infrastructure in line with growth and changing requirements</b></p> <p>The planning proposal will provide function space within the hotel and a food and drink premises that can be used by surrounding residents and businesses, providing a space for social connection.</p> <p><b>Economy, employment and centres</b></p> <p><b>P11 – Promote access to local jobs, education opportunities and care services</b></p> <p>The planning proposal will provide approximately 40 new long-term jobs in the area related to the operation and management of the hotel and the restaurant/café, as well as a range of short-term development and construction related jobs.</p>

### 3.4 Local planning panel (LPP) recommendation

The Panel considered the planning proposal at its meeting on 13 July 2022. The Panel provided the following advice:

*The Panel supports the proposed amendment to Schedule 1 of Cumberland Local Environmental Plan 2021 to include 'café or restaurant' and 'hotel or motel accommodation' as additional permitted uses on the site, with the hotel/motel component capped at 76 rooms.*

*The Panel generally agrees with the Council Officer's report, has considered the additional information provided by the proponent and is of the view that:*

- i. Further urban design analysis is required to determine height and floor space ratios for the site to ensure the appropriate separation of a future hotel/motel from the heritage item, protect and improve view lines to the heritage item and align with the future planned character of the area. Subject to detailed urban design analysis, differential heights may be appropriate across the site. The Panel considers further urban design analysis could explore heights greater than the heights recommended by Council officers.*
- ii. The urban design analysis should consider view lines to The Wattles, overshadowing impacts and recommendations made by Council's external heritage consultant.*
- iii. Site access and circulation arrangements need to be further considered addressed to ensure the requirements of TfNSW can be satisfied.*
- iv. Site access arrangements should be reviewed to consider moving the site ingress to the western edge of the site, providing appropriate circulation around the site and safe access for deliveries and waste removal.*

### 3.5 Council Resolution

Council considered the planning proposal at its meeting on 19 October 2022 and resolved the following (**Attachment L**):

That Council:

1. *Endorse a planning proposal for 245-247 Great Western Highway, South Wentworthville, to amend the Cumberland Local Environment Plan 2021 with a local provision for the proposal as follows:*
  - a. *Allow for the Height of Building control on the western part of the site where the proposed hotel or motel is to be located to be 27 metres*
  - b. *Allow for a Floor Space Ratio control for the site of 1:1 in response to the proposal.*
  - c. *Identify a restaurant or café as additional permitted uses on the existing Wattles heritage house located on the eastern part of the site.*
  - d. *Identify hotel or motel accommodation (not exceeding 76 hotel/motel rooms and a gross floor area of 3,040m<sup>2</sup>) and other ancillary hotel/motel facilities, including roof top outdoor dining, as additional permitted uses on the western part of the site.*
2. *Endorse that the planning proposal be prepared and forwarded to the Department of Planning and Environment for a Gateway Determination.*
3. *Endorse the draft site-specific Development Control Plan associated with the planning proposal for 245-247 Great Western Highway, South Wentworthville, as provided in Attachment 2.*
4. *Note that, subject to the receipt of a Gateway Determination by the Department of Planning and Environment, the planning proposal and site-specific Development Control Plan for 245-247 Great Western Highway, South Wentworthville, will be exhibited concurrently.*
5. *Endorse that a Voluntary Planning Agreement be prepared to derive public benefit, should a Gateway Determination be received.*

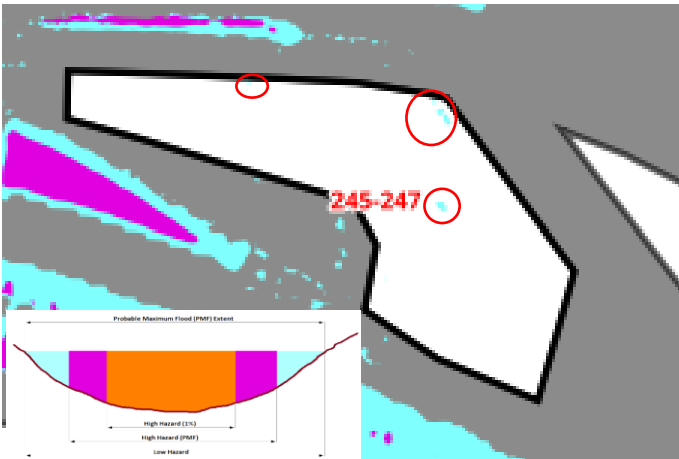
### 3.6 Section 9.1 Ministerial Directions

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

**Table 7 Section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give effect to the vision, objectives and strategies in the 'Greater Sydney Region Plan - A Metropolis of Three Cities'.</p> <p>The planning proposal includes an assessment against the Regional Plan, including the objectives and planning priorities. As noted in <b>Table 4</b>, the proposal is consistent with this direction.</p>
1.4 Site Specific Provisions	Inconsistent, but justified	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal is inconsistent with this direction as it seeks a range of site-specific APUs which are not permitted in the R2 Zone, including:</p> <ul style="list-style-type: none"> <li>○ hotel or motel accommodation,</li> <li>○ ancillary hotel/motel facilities, and</li> </ul>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> <li>○ restaurant or café uses.</li> </ul> <p>The planning proposal also imposes additional development standards by capping the number of accommodation rooms (76) and maximum gross floor area of the hotel/motel (3,040m<sup>2</sup>).</p> <p>Council have advised that the preference of APUs over a rezoning is due to the island nature of the site. The site is not located near any centres and rezoning the site to a business zone would introduce a range of permissible retail and commercial uses that may not be suitable due to the sites limited access and isolation between state road infrastructure. An APU provides more control and certainty around appropriate land uses.</p> <p>Noting the unique constraints of the site, the Department is generally supportive of this approach.</p> <p>Additionally, the inclusion of APUs on the site will ensure the protection of 'The Wattles' house. Council have indicated that it seeks the land use term 'restaurant or café' (rather than the parent term 'food/drink premises'), as this will limit the potential use of The Wattles cottage to uses that would support the hotel/motel, rather than allowing the full range of food/drink premises (inclusive of pubs). The limited land uses also provide more certainty around potential traffic impacts and parking requirements while reducing the likelihood of the house being demolished at a later stage. The Department supports this position.</p> <p>The Department considers that inconsistency with this direction is justified as proposed provisions are of minor significance because the proposed APU:</p> <ul style="list-style-type: none"> <li>• is limited to the subject site;</li> <li>• does not change existing permissibility on site;</li> <li>• allows the site to be utilised for an appropriate land use.</li> </ul>
3.2 Heritage Conservation	Consistent	<p>This direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site contains a local heritage item listed in the CLEP 2021 known as I244, The Wattles, a Victorian/Georgian residence.</p> <p>The planning proposal does not seek any amendment relating to the site's heritage listing. However, the proposal will facilitate the restoration and adaptive reuse of the heritage item.</p> <p>As a result of the heritage listing, Clause 5.10 Heritage Conservation of the CLEP 2021 requires development consent for the removal or alteration of the heritage item</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The Department is satisfied that the proposal is consistent with this Direction as there are appropriate provisions currently in place to protect the heritage significance of the local heritage item and its curtilage.</p>
4.1 Flooding	Consistent	<p>This direction seeks to ensure that development on flood prone land is consistent with relevant government policies, including the NSW Government's Flood Prone Land Policy and the Principles of Floodplain Development Manual 2005, and that LEP provisions are commensurate with flood behaviour.</p> <p>The planning proposal did not provide an assessment against this Direction or submit a flood impact assessment.</p> <p>The Department has reviewed relevant Council flooding maps and notes that a very small area of the site is impacted by the Probable Maximum Flood (PMF) (<b>Figure 5</b>).</p>  <p><b>Figure 5: Provisional Flood Hazard Categories Map, demonstrating minor affection of 'low hazard' PMF flooding on the site (flood affected areas circled in red) (source: Cumberland Council, accessed 03/04/23)</b></p> <p>Noting the very small area of flooding on the site, the Department is satisfied that the proposal is consistent with this direction because it:</p> <ul style="list-style-type: none"> <li>• will not rezone any Recreation, Rural, Special Purpose or Conservation Zones</li> <li>• does seek any of the following uses: centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where occupants cannot be effectively evacuated</li> <li>• is not likely to result in a significantly increase requirement for government spending on emergency management</li> </ul>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> <li>will not permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event</li> <li>does not permit development in a floodway</li> <li>will not remove any existing development application requirements</li> <li>does not increase the dwelling density of the site.</li> </ul> <p>Further discussion around flooding is provided at <b>Section 4.1</b> below.</p>
4.4 Remediation of contaminated land	Not applicable	<p>This direction seeks to reduce risk and harm to human and environmental health by ensuring contamination and remediation are adequately considered.</p> <p>The planning proposal provided a Preliminary Site Investigation (PSI) (Douglas Partners, April 2022) which assessed the level of contamination onsite. It found that the PSI identified some potential sources of contamination (including asbestos) and recommended a detailed site investigation later in the planning process.</p> <p>The Department has reviewed the PSI and has assessed the proposal against the application criteria of the direction. It is not considered that this direction applies to for the following reasons:</p> <ul style="list-style-type: none"> <li>The site is not located in an investigation area, as defined by the <i>contaminated land management act 1997</i></li> <li>The land is not currently used for, or have a history of development for purposes identified in Table 1 of the contaminated land planning guidelines</li> <li>The proposal does not seek development for the purposes of residential, educational, recreational, childcare or hospital uses.</li> </ul> <p>Although this direction is not applicable, the Department considers that the proposal has given adequate consideration to contamination issues, and that further assessment will be undertaken at the DA stage.</p>
5.1 Integrating land use and transport	Consistent	<p>This direction seeks to ensure increased access to housing, jobs, services and public transport, while reducing dependence on cars.</p> <p>While located as an 'island' between two major roads, the site is located in close proximity to three bus routes, the 810X, 811X and the T80. A bus stop is located approximately 130m east of the site, linking the site with the surrounding area, including Parramatta train station.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The site is also serviced by nearby footpaths and formal street crossings, and a cycle lane is located on the M4 motorway adjacent to the site.</p> <p>The Department is satisfied that the site has adequate access to active (walking and cycling) and public transport options, and the proposal will not significantly impact traffic generation or demand for public transport.</p>
6.1 Residential zones	Inconsistent, but justified	<p>This direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.</p> <p>While the proposal does not seek to rezone the site from the R2 Low Density Residential or reduce the permissibility of residential uses on the site, the proposal will allow a hotel/motel. This is inconsistent with this Direction as the provision of short-term accommodation does not broaden available housing types.</p> <p>However, the Department considers that the inconsistency with this Direction is justified as the location of the site (between two major roads) represents an extremely poor location for residential development (due to amenity, noise, vibration and air pollution concerns) and is therefore of minor significance.</p>

### 3.7 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<b>SEPP (Resilience &amp; Hazards) (2021)</b>  Chapter 4 – Remediation of Land	A consent authority must not consent to the carrying out of any development on land unless it has considered whether the land can be made suitable for its proposed use and will be remediated before	Consistent	A Preliminary Site Investigation (PSI) (Douglas Partners, April 2022) report was prepared in support of the planning proposal. The site has been used predominantly for residential and business in the past, and the PSI confirms the sites usability for proposed uses.

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	the land used for that purpose.		<p>The report recommended a detailed site investigation, a hazardous building material survey and a ground water investigation be conducted. The report concludes that the site can be made suitable for the proposed development subject to the findings of recommended investigations and surveys and the implementation of any remediation works.</p> <p>Council have indicated that, should the proposal progress to a DA stage, further detailed investigations and an acid sulphate soils management plan, may be required.</p> <p>In accordance with the SEPP, further assessment of contamination issues will be addressed at the DA stage.</p> <p>The proposal is consistent with this SEPP.</p>
<b>SEPP Transport and Infrastructure (2021)</b> <ul style="list-style-type: none"> <li>Subdivision 2 (Development in or adjacent to road corridors or reservations)</li> </ul>	The objectives of this clause are to ensure that development does not compromise operation and function of classified roads, and to prevent or reduce the impact of traffic noise and vehicle emission on adjacent development.	Consistent	<p>The planning proposal seeks a new hotel/motel development (with ancillary uses such as a conference centre and gym), as well as a café/ restaurant in The Wattles residence.</p> <p>The Department notes that both a Traffic Impact Assessment (Stantec, February 2022) and Noise Impact Assessment (SLR, May 2022) were prepared to support the proposal. Both demonstrated that, with appropriate design and mitigation measures, the proposal could be supported.</p> <p>Future development of the site will constitute a traffic generating development under Schedule 3 of the SEPP and will trigger referral to TfNSW, and future development applications will be assessed against the provisions of this SEPP.</p> <p>The proposal is consistent with this SEPP.</p>

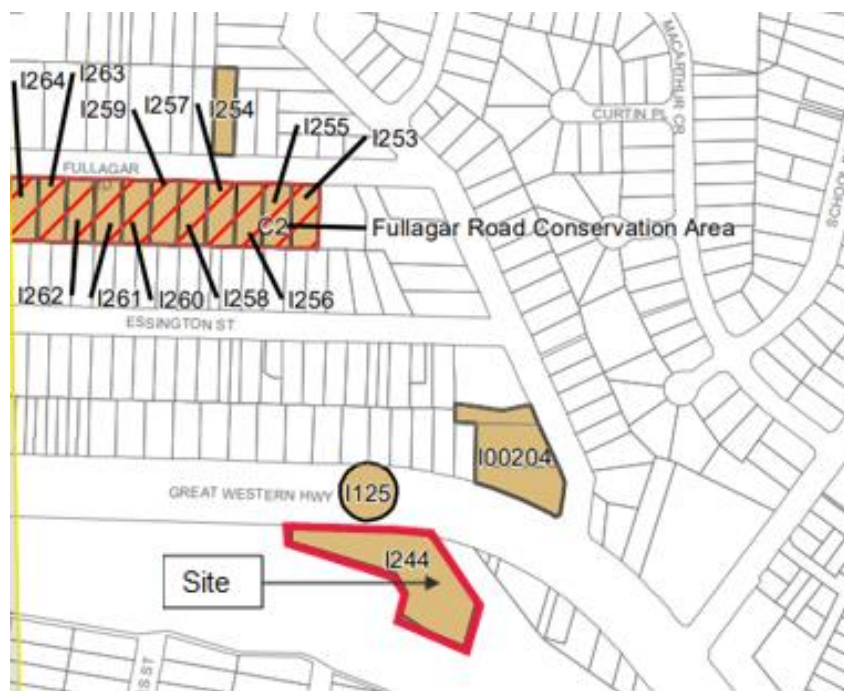
## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

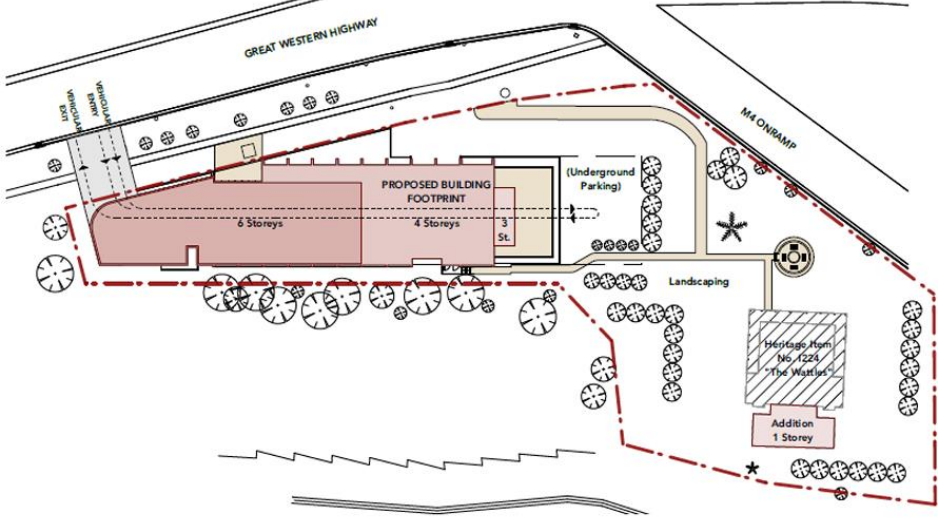
**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Heritage	<p>A local heritage item, 'The Wattles' (I244) is located at the south-eastern portion of the site (the site is otherwise vacant land). The house is a Victorian residence and is locally significant for its association with William Fullagar, one of Cumberland's prominent pioneer settlers and developers.</p> <p>Adjoining the site to the north is another local heritage item (I125) identified as "<i>Milestone group, Parramatta to Greystanes</i>", a concrete milestone marking the distance from Parramatta to Greystanes, located on the Great Western Highway (<b>Figure 6</b>).</p> <p>On the opposite side of the Great Western Highway, at the intersection with Bridge Road, is the State heritage listed 'Essington' (I00204). This property is a two-storey house constructed by William Fullagar.</p> <p>Further to the north is the Fullagar Road Conservation Area which also contains numerous individually listed Inter-war bungalows. These are not visible from the subject site.</p> <p>No changes are proposed to the heritage listing on site.</p>

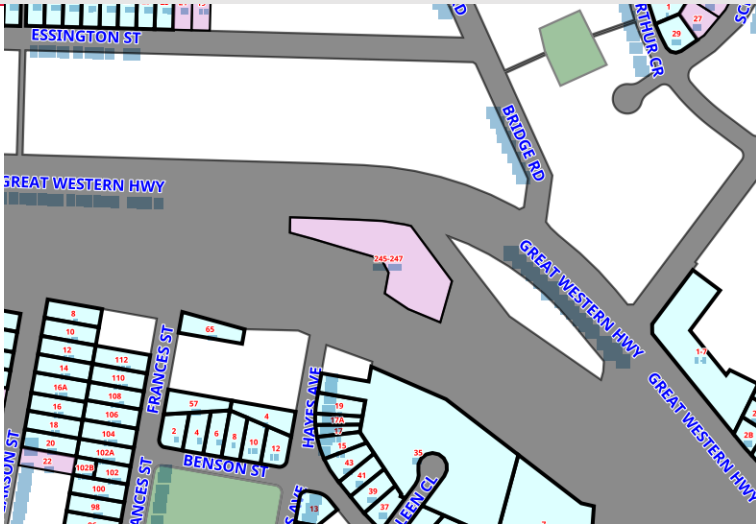


**Figure 6 Heritage items in close proximity to the site (source: Cumberland LEP 2021)**

Environmental Impact	Assessment
	<p>The proposal is supported by a Heritage Impact Assessment (Sue Rosen Associates, February 2022). The report concludes that a hotel/motel would activate the site while respecting and maintaining the heritage significance of The Wattles.</p> <p>Council officers had the Heritage Impact Assessment peer reviewed by an independent heritage advisor (Extent, 6 June 2022). The review identified potential risks with the planning proposal and development process, opportunities for heritage enhancement and mitigation measures. While the review raised concerns with the proposed height, bulk and scale of the hotel, it confirmed that the proposal could be acceptable in terms of heritage outcomes, subject to careful design, consistent with best practice guidelines, and the preparation of suitable DCP controls (for example setbacks, siting, landscaping, materials).</p> <p>The Department has reviewed the Heritage Impact Assessment and peer review (alongside the Urban Design report discussed further below) and agrees that the proposal can be appropriately accommodated within the site in a manner that ensures heritage of the Wattles is respected and maintained, subject to the heritage guidelines in the site-specific DCP and heritage provisions under the CLEP.</p>
Urban Design	<p>The planning proposal was originally submitted to Council with a proposed maximum height control of 25m (5-6 storeys), and an FSR of 1:1. Based recent low-rise development to the east and west of the site, Council's report to the Panel recommended lowering the proposed height to 18m (and retaining the 1:1 FSR).</p> <p>Following the Panel's review of the proposal (13 July 2022), it recommended that an urban design analysis be undertaken to consider higher built form options (with the proposed 1:1 FSR). Olsson Architects were subsequently commissioned by Council to undertake this analysis.</p> <p>The Olsson study reviewed 4 potential design schemes and recommended 'Scheme 4' as their preference (<b>Figure 7</b>). Scheme 4 splits the height of the building into part 6 storeys (27m) and part 4 storeys (18m), which:</p> <ul style="list-style-type: none"> <li>• relocates the bulk and higher floors (27m portion) including the lift overruns to the west of the site away from the heritage items</li> <li>• results in the least amount of shadow overcast for 9am, 12noon and 3pm (during winter solstice) when compared with the other schemes</li> <li>• maintains and improves view lines to the heritage item from the Great Western Highway</li> <li>• provides a sufficient space around the local heritage item to allow for the establishment of a landscape setting, which would enhance the value of the item.</li> </ul>

Environmental Impact	Assessment
	 <p><b>Figure 7: Concept Plan for 'Scheme 4' (Source: Council Report, 19 October 2022)</b></p> <p>Consistent with the preferred urban design option (Scheme 4), the report to Council recommended a 27m maximum building height (up to six storeys with plant and lifts) be applied to the western portion of site and that the 9m height be retained for the eastern side of the site, with a 1:1 FSR applied to the entirety of the site. A resolution of Council (13 October 2022) adopted these recommendations.</p> <p>The Department is satisfied that the proposed scheme is an appropriate outcome for the site, with consideration to both the protection The Wattles and overall bulk and scale. A Gateway condition has been included to update the draft height of building map to reflect these heights, consistent with the Council resolution.</p>
Noise, vibration and emissions	<p>Both a noise intrusion and operational noise assessment (SLR, May 2022) was conducted to determine the impacts of existing road traffic noise on the proposed development, including noise impacts from the Great Western Highway.</p> <p>The assessment found that a Category 3 construction would be required for both the north and south façade (i.e. special construction with increased attenuation to prevent internal noise levels), however ultimately concluded that the site is suitable for its intended use. Council considered that adequate measures could be incorporated into the design to mitigate the impact of traffic noise and emissions and assessed at DA stage.</p>
Flooding	<p>The subject site has been mapped as having a very small area impacted at the PMF event. The Department also notes that the site is identified on Councils Flood Control Lot Map, which indicates that an overland flood study is required as part of development (<b>Figure 8</b>).</p>



Environmental Impact	Assessment
	 <p><b>Figure 8: Cumberland Council Flood Control Lot Map (source: Cumberland Council website, accessed 03/04/23)</b></p> <p>The planning proposal was not submitted with any flooding, stormwater or drainage assessments. However, as the site is identified in Council's Flood Control Lot Map, an overland flood study will be required at the development application stage. The Department does not consider any further studies are required to support the planning proposal.</p>

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Economic	The planning proposal will support the local economy, providing approximately 450 direct jobs related to the operation and management of the hotel/motel and café/restaurant, as well as providing a location for events and conferences. The proposal is also likely to deliver a variety of temporary construction-related jobs.
Social	The planning proposal includes the restoration and adaptive re-use of The Wattles cottage and landscaping on the site, providing greater access and utilisation of this local heritage item. This aligns with wider regional, district and local planning priorities.

## 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.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Traffic and Parking	<p>The planning proposal is supported by a traffic impact assessment (Stantec, February 2022). The report found that the future development of the site will not materially change the safety or function of the surrounding road network, and that car parking and servicing operations can be suitably accommodated within a basement carpark.</p> <p>In response to consultation, Council received initial comments from TfNSW (4 April 2022), which raised a number of concerns with the proposal, including:</p> <ul style="list-style-type: none"> <li>• the need for a deceleration/storage lane, on the site's northern boundary</li> <li>• relocation of the entry/exit driveway as close as possible to the western property boundary or consider redesigning the internal driveway to provide space for vehicles to be stored onsite rather than queuing on the Great Western Highway and/or T-way.</li> <li>• mitigation and/or management measures to ensure appropriate on-site manoeuvring, adequate vehicle turnaround facilities, and wayfinding signage to ensure vehicle travel paths are clear</li> <li>• clarifying whether or not the proposed hotel/motel facilities will be for exclusive use by guests of the hotel/motel or open to the public, and lack of clarity over the number of rooms proposed.</li> </ul> <p>Stantec responded to TfNSW (28 April 2022) outlining that:</p> <ul style="list-style-type: none"> <li>• the entry driveway location meets the relevant sightline requirements, is consistent with other intersections and sites in the vicinity and is considered appropriate</li> <li>• details of on-site manoeuvring and wayfinding signage can be provided at DA stage</li> <li>• the recommended deceleration lane on approach to the proposed entry driveway is not considered necessary as: <ul style="list-style-type: none"> <li>○ it can be demonstrated that the entry driveway exceeds ASD requirements under all relevant assessment criteria</li> <li>○ previous approved development on the site not requiring one</li> <li>○ access via the kerbside dedicated bus lane that carries low bus volumes</li> <li>○ the proposal is likely to generate only low traffic volumes</li> <li>○ there are examples of other comparable traffic generating developments and public roads along the Great Western Highway in the vicinity not requiring use of slip lanes (including the M4 on-ramp intersection)</li> </ul> </li> <li>• the proposed hotel/motel facilities such as the conference room, gymnasium and roof terrace are intended as ancillary to the main hotel/motel use</li> </ul> <p>TfNSW provided a further response (22 June 2022) recommending that the following concerns be addressed or considered prior to the planning proposal proceeding. In particular, TfNSW recommended the inclusion of several concurrence clauses under Part 6 of the CLEP, including:</p>

Infrastructure	Assessment
	<ul style="list-style-type: none"> <li>• that if a deceleration lane is proposed, a concurrence clause should be implemented to ensure development consent cannot be granted for development on this property unless suitable concurrence is obtained; and</li> <li>• capping of the number of rooms to 76</li> <li>• ensuring that minimum parking requirements are provided in accordance with the Cumberland DCP 2021, particularly for the café/restaurant</li> </ul> <p>TfNSW also recommended a range of additional DA requirements, including details on appropriate on-site manoeuvring, adequate vehicle turnaround facilities, and wayfinding signage to ensure vehicle travel paths are clear, application of minimum standards and/or relevant compliance measures.</p> <p>The report to Council (October 2022) outlined that the proposed concurrence clauses are not required because the deceleration lane is not being proposed and Clause 2.121 of the Transport and Infrastructure SEPP already requires concurrence of TfNSW prior to issue of development consent for any development proposed on a State classified road and requiring more than 50 car parking spaces.</p> <p>However, Council's report did recommend capping the number of rooms at 76 (not exceeding a gross floor area of 3,040m<sup>2</sup>) to address potential traffic and parking issues. This is reflected in the proposed APU clause.</p> <p>Council have also addressed TfNSW recommendations with regards to relocating entry/ exit access further west, car parking provision, circulation and access to waste and delivery vehicles and on-site turning provisions, by providing additional guidance in the draft DCP.</p> <p>Further email correspondence was received from TfNSW on 21 March 2023, indicating that there was no concern with the proposal proceeding to Gateway and that specific traffic issues could be addressed as part of any future development application.</p> <p>The Department considers that traffic and parking considerations have been adequately considered throughout the preparation of this planning proposal and is satisfied that the proposal can progress to exhibition. However, a Gateway condition has been included to require consultation with TfNSW as no formal correspondence has been received from the agency confirming their satisfaction with the proposal (particularly noting that Council did not adopt their recommendations from 22 June 2022 and that the Transport Impact Assessment remains dated February 2022).</p>
Utilities and services	<p>The Department considers that Council's existing contributions plan (the Cumberland Local Infrastructure Contributions Plan 2020) will adequately cover costs with regards to road and pathway upgrades and amenities, such as open spaces and community facilities.</p> <p>The planning proposal has not provided any details on available services to the site and whether the proposal would present a constraint for development. The planning proposal has not provided any details on available services to the site and whether the proposal would present a constraint for development. As such, a condition is proposed recommending that relevant utility providers be consulted on the planning proposal.</p>

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 working days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- Relevant utility providers

## 6 Timeframe

Council proposes a 10-month time frame to complete the LEP.

Under the new *Local Environmental Plan Making Guide (September 2022)*, a standard planning proposal is to achieve the following timeframes:

Stage	Actions	Working Days
<b>Post-Gateway</b>	Review gateway, action conditions, prepare relevant studies and consult with government agencies prior to exhibition	50 working days (counted from date of Gateway determination)
<b>Public Exhibition and Assessment</b>	Undertake public exhibition and consultation with authorities, review of submissions and endorsement of proposal by the planning proposal authority	95 working days (inclusive of a minimum public exhibition period of 20 days)
<b>Finalisation</b>	Finalisation of the local environmental plan, including legal drafting and gazettal.	55 working days
<b>Total Days</b>		<b>200 (approximately 9 months)</b>

Accordingly, the Department recommends a timeframe of 9 months to ensure it is completed in line with its commitment to reduce processing times. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

As the planning proposal is largely consistent with relevant SEPPs, the regional and local strategic planning priorities, and any inconsistencies with Ministerial Directions are only minor and justified,

the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

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

- the proposal is consistent with the relevant regional, district and local strategic plans and State Environmental Planning Policies.
- the potential inconsistency with Ministerial Directions 1.4 Site Specific Provisions and 6.1 Residential Zones is justified
- the potential impacts to the nearby heritage items have been addressed adequately with further impacts able to be mitigated as a part of a development application.
- flood impacts on the site are minor and do not change the conclusions of the planning proposal.
- the potential environmental, social, economic and infrastructure related impacts have been appropriately addressed through supporting studies and are considered suitable for exhibition.

Based on the assessment outlined in this report, the proposal must be updated before consultation to correctly map the proposed maximum height of building controls.

## 9 Recommendation

It is recommended the delegate of the Secretary:

1. Agree that any inconsistencies with 9.1 Ministerial Directions 1.4 Site Specific controls and 6.1 Residential Zones are justified.

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

1. The planning proposal is to be updated prior to exhibition to correctly identify the proposed maximum building height controls across the site.
2. Consultation is required with the following public authorities:
  - Transport for NSW
  - Relevant utility providers
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



19/4/2023

Brendon Roberts

Specialist Planning Officer, Agile Planning



28/4/23

Louise McMahon  
Director, Agile Planning

Assessment officer

Timothy Coorey  
Planning Officer, Agile Planning  
9585 6566