



IRF23/1594

## Gateway determination report – PP-2023-784

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2, 2A-8 Arundel Street and 6-12 Parramatta Road,  
Forest Lodge

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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.

## Contents

<b>1</b>	<b>Planning proposal .....</b>	<b>1</b>
1.1	Overview.....	1
1.2	Objectives of planning proposal .....	1
1.3	Explanation of provisions.....	1
1.4	Site description and surrounding area .....	2
1.5	Mapping.....	6
1.6	Background .....	7
<b>2</b>	<b>Need for the planning proposal.....</b>	<b>8</b>
<b>3</b>	<b>Strategic assessment.....</b>	<b>8</b>
3.1	District Plan .....	8
3.2	Local .....	9
3.3	Central Sydney Planning Committee recommendation .....	9
3.4	Section 9.1 Ministerial Directions .....	9
3.5	State environmental planning policies (SEPPs) .....	12
<b>4</b>	<b>Site-specific assessment .....</b>	<b>12</b>
4.1	Environmental.....	12
4.2	Social and economic .....	13
4.3	Infrastructure .....	13
<b>5</b>	<b>Consultation.....</b>	<b>13</b>
5.1	Community .....	13
5.2	Agencies.....	13
<b>6</b>	<b>Timeframe.....</b>	<b>13</b>
<b>7</b>	<b>Local plan-making authority .....</b>	<b>13</b>
<b>8</b>	<b>Assessment summary.....</b>	<b>14</b>
<b>9</b>	<b>Recommendation.....</b>	<b>14</b>

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

Relevant reports and plans
Planning proposal (City of Sydney Council, June 2023)
Report to the Central Sydney Planning Committee (CSPC) (City of Sydney Council, 11 May 2023)

### Relevant reports and plans

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Supplementary information for the Central Sydney Planning Committee (City of Sydney Council, 11 May 2023)

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Proponent's planning proposal request / scoping report (The University of Sydney)

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Resolution of the Central Sydney Planning Committee (11 May 2023) and Council (15 May 2023)

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# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>City of Sydney</b>
<b>PPA</b>	City of Sydney Council
<b>NAME</b>	2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge
<b>NUMBER</b>	PP-2023-784
<b>LEP TO BE AMENDED</b>	Sydney Local Environmental Plan 2012
<b>ADDRESS</b>	2, 2A-8 Arundel Street and 6-12 Parramatta Road, Forest Lodge
<b>DESCRIPTION</b>	Multiple Lots and DPs
<b>RECEIVED</b>	19/05/2023
<b>FILE NO.</b>	IRF23/1594
<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.

The objective of the planning proposal is to rezone properties in Forest Lodge currently owned by the University of Sydney and zoned SP2 Infrastructure (Educational Establishment) to allow non-university related uses on the sites. This will be through rezoning the properties to R1 General Residential, and to MU1 Mixed Use for 2 Arundel Street.

The properties are stated to be surplus to the University of Sydney's requirements and the intended outcome is to rezone the properties to appropriate land use zones for the properties to be used by the private sector in future.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Sydney Local Environmental Plan (LEP) 2012 to rezone nine properties in Forest Lodge from SP2 Infrastructure (Educational Establishment) to R1 General Residential and MU1 Mixed Use.

The proposal does not seek any other changes to the applicable development standards or LEP provisions.

The current and proposed controls are outlined in **Table 3** below.

**Table 3 Current and proposed controls**

Control	Current	Proposed
<b>Zone</b>	SP2 Infrastructure (Educational Establishment)	MU1 Mixed Use: 2 Arundel Street R1 General Residential: 2A, 4, 6 and 8 Arundel Street and 6, 8, 10 and 12 Parramatta Road.
<b>Maximum height of the building</b>	12m	No change
<b>Floor space ratio (FSR)</b>	1.5:1: 2 Arundel Street 1.25:1: 2A, 4, 6 and 8 Arundel Street and 6, 8, 10 and 12 Parramatta Road.	No change

The SP2 Infrastructure (Educational Establishment) zone permits with consent: aquaculture, horticulture, roads, water storage facilities, water treatment facilities and educational establishments and any development that is ordinarily incidental or ancillary to development for that purpose.

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

## 1.4 Site description and surrounding area

The planning proposal relates to five properties at Arundel Street, Forest Lodge and four properties at Parramatta Road, Forest Lodge in the City of Sydney LGA (**Figure 1**) (each individual site is identified and described in **Table 4**). An overview of the site context is provided below.

The Parramatta Road properties are located above a high retaining wall elevated approximately 4m above Parramatta Road and can be accessed by a narrow pedestrian walkway at the front or from a rear laneway (Kerridge Place).

All properties except for 2 Arundel Street contain 2 storey terrace houses which the proposal indicates have been used for student accommodation but have been vacant since 2021.

The properties are within the Hereford and Forest Lodge Heritage Conservation Area (HCA) (C33) (see **Figure 4**). There are local heritage items adjacent and nearby to the properties including:

- Item I631, *Street trees* at Arundel Street, Forest Lodge; and
- Item I71, *Stone retaining wall, fence and steps* at Parramatta Road, Camperdown

The properties are located near to Central Sydney (**Figures 2 and 3**) and are approximately:

- 1.4km north-west of Redfern Station, 1.5km west of Central Station and 1.5km north-east of Newtown Station;
- 50m north of The University Sydney, 1km west of UTS and Notre Dame university;
- 800m north-west of the Royal Prince Alfred Hospital; and
- 1.8km south-west of Darling Harbour.

The properties are largely surrounded to the north and east by residential development typically containing 1-2 storey Victorian style terrace houses. Further west there is land zoned E3



Productivity Support containing commercial development (**Figure 8**). To the south of the site across Parramatta Road is the University of Sydney campus.



**Figure 1** Aerial image of the subject sites outlined in blue (base source: Nearmap)



**Figure 2** Site context (source: Planning proposal)



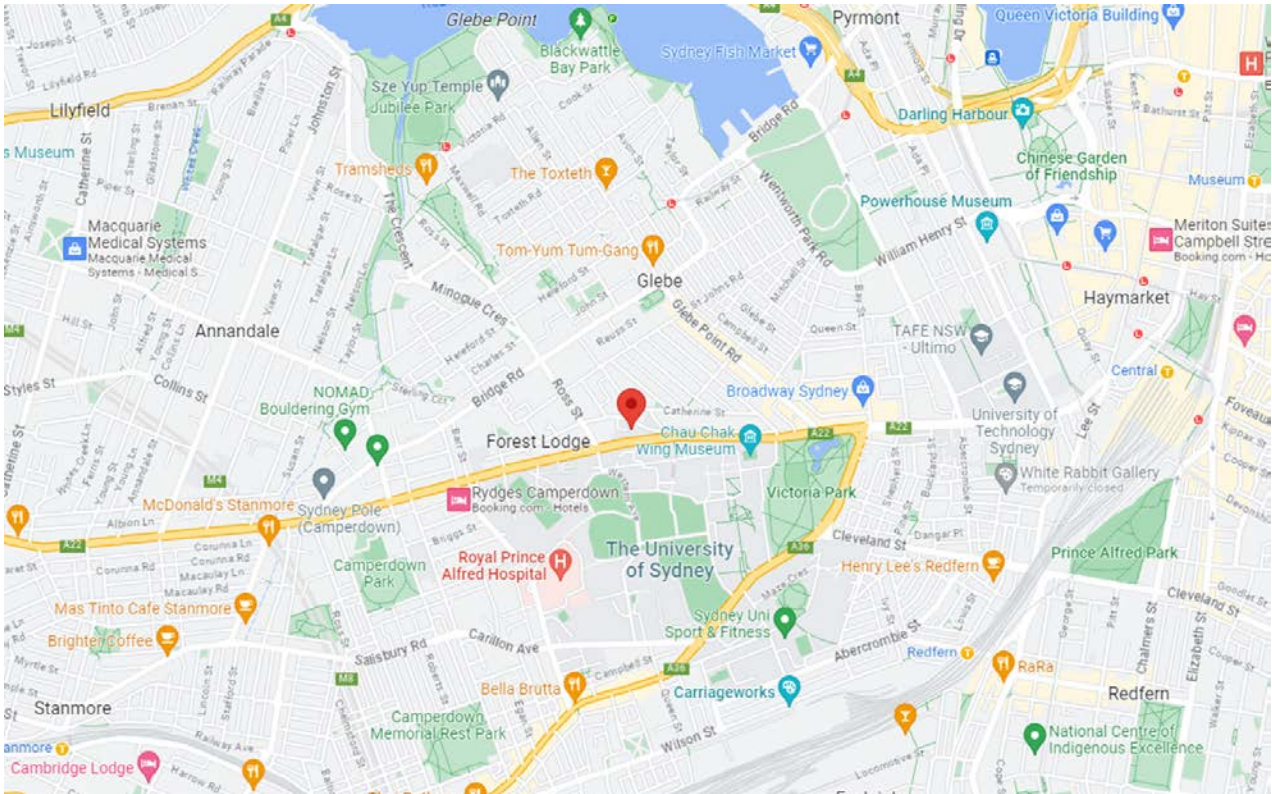


Figure 3 Broader locality context (source: Google Maps)



Figure 4 Map showing nearby heritage items and HCA (source: Sydney LEP Heritage Map)



**Table 4 Properties identified for rezoning in planning proposal**

<b><u>Address</u></b>	<b><u>Legal description</u></b>	<b><u>Site description</u></b>
<b>2 Arundel St</b>	Lots 3-6 DP 979837 and Lot 7 DP 78194	Two-storey brick, Art Deco style office building referred to as the Mackie Building used by the University for administrative offices and operations. Approx. 1,398sqm in area.

**Figure 5 2 Arundel St viewed from Arundel St looking east (source: Google Maps)**

<b>2A Arundel St</b>	Lot E1 DP 439229	Two storey terrace house. Approx. 95sqm in area.
<b>4 Arundel St</b>	Lot D1 DP 439229	Two storey terrace house. Approx. 95sqm in area.
<b>6 Arundel St</b>	Lot C1 DP 439229	Two storey terrace house. Approx. 101sqm in area.
<b>8 Arundel St</b>	Lot B1 DP 439229	Two storey terrace house. Approx. 101sqm in area.

**Figure 6 2A, 4, 6, and 8 Arundel St viewed from Arundel St looking south (source: Google Maps)**

<b>6 Parramatta Rd</b>	Lot 1 DP 979837	Two storey house. Approx. 234sqm in area.
<b>8 Parramatta Rd</b>	Lot 1 DP 90215	Two storey house. Approx. 252sqm in area.
<b>10 Parramatta Rd</b>	Lot K1 DP 439229	Two storey terrace house. Approx. 133sqm in area.
<b>12 Parramatta Rd</b>	Lot J1 DP 439229	Two storey terrace house. Approx. 120sqm in area.



**Figure 7 6, 8, 10 and 12 Parramatta Rd as viewed from Parramatta Rd looking north (source: Google Maps)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning Map (LZN\_009) (**Figure 9**) which is suitable for community consultation purposes.



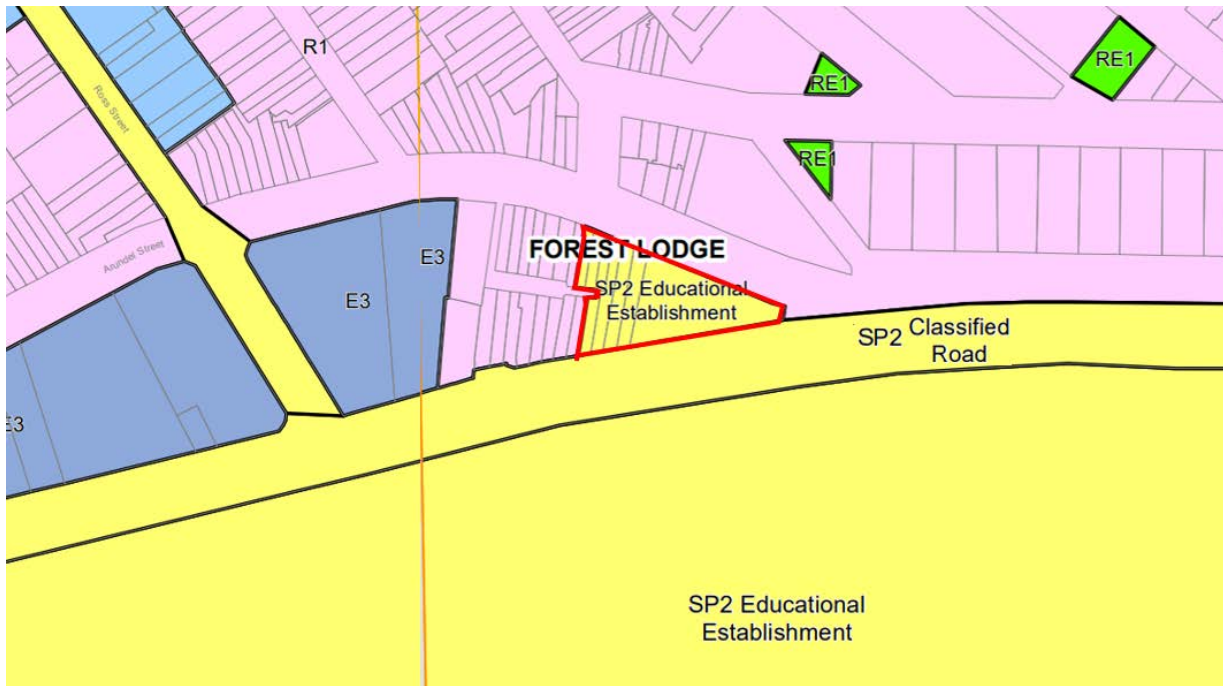


Figure 8 Current land zoning map – site outlined in red (source: Land Zoning Map)



Figure 9 Current zoning map (left) and proposed zones for the site (right) (source: Planning proposal)

## 1.6 Background

In June 2021, the University of Sydney lodged a scoping request with Council to prepare a planning proposal for the site. The University considers the properties to be surplus to its requirements and intends to sell them.

In a supplementary information attachment to the proposal, the University states that the properties ‘...were vacated in 2021 having previously been used as Covid isolation rooms since 2020 and require substantial investment.’ ‘Renovating or refurbishing the properties would be prohibitively expensive while providing a very limited amount of high maintenance accommodation not in line with our wider strategy of developing affordable, large, safe, compliant and 24/7 staffed accommodation with a range of cooking, break out, study and entertainment spaces.’

On 11 May 2023, the Central Sydney Planning Committee supported the planning proposal.

On 15 May 2023, Council resolved to support the planning proposal and forward it to the Department for Gateway determination.

## 2 Need for the planning proposal

The planning proposal is not the result of a specific endorsed local strategic planning strategy, study or report, such as the Local Strategic Planning Statement or Local Housing Strategy. Rather, it is a proponent led, site-specific proposal that has been initiated to rezone the properties to extend the range of permissible uses on the sites now that they are no longer required for University related purposes.

The planning proposal states that the University seeks to rezone and sell these properties for reasons including:

- *The use of these properties is surplus to the University's requirements;*
- *The properties are physically separated from the University's Camperdown campus;*
- *The current use of these properties is readily adaptable to similar residential and commercial office uses as currently exist, as well as other current land use zones operating along the residual length of Arundel Street;*
- *The properties can be sold on the private market without any required physical alteration of any of the properties; and*
- *The proceeds of sale will be redirected to the continued upgrade of the University's Camperdown and Darlington campuses*

The planning proposal considers the amendments are not strategically significant and are therefore not inconsistent with the City's strategies. The Department agrees with this statement.

The objective is to amend the land use zones of the properties to remove the educational establishment use limitations which can only be achieved by amending the Sydney LEP 2012 to change the zones on the relevant Land Zoning Map.

## 3 Strategic assessment

### 3.1 District Plan

The site is within the Eastern City District and the Greater Cities Commission (formerly Greater Sydney Commission) released the Eastern 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 planning proposal states it is not inconsistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan.

The Department agrees and 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 following table includes an assessment of the planning proposal against relevant directions and actions.



**Table 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.	The proposal recognises and solidifies the existing residential uses on the sites in a central location in close proximity to public transport, jobs, services and open space.
Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage	Priority E6 aims to recognise and celebrate the character and heritage of the district. The proposal is consistent with this Priority as it seeks to recognise and reinforce the residential character of the area by aligning the zoning for the sites with the surrounding properties and existing development.

## 3.2 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 (LSPS)	<p>Council's LSPS <i>City Plan 2036</i> sets out the land use planning context, a 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city.</p> <p>The proposal states the properties are not specifically identified in the LSPS for housing or jobs growth and the proposal is not considered strategically significant. The planning proposal states it is not inconsistent with the LSPS.</p>

## 3.3 Central Sydney Planning Committee recommendation

On 11 May 2023, the Central Sydney Planning Committee (CSPC) considered the planning proposal and resolved to approve it for submission to the Department with a request for Gateway determination.

## 3.4 Section 9.1 Ministerial Directions

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

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Consistent	The proposal is consistent with this direction as it seeks to rezone the sites to existing zones in the Sydney LEP 2012 and does not impose any development standards or requirements in addition to

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		those which already apply to the land. The proposal will expand the permissible uses available on the sites.
3.2 Heritage Conservation	Consistent	<p>This Direction requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.</p> <p>The sites do not contain any heritage listed items, however are in a Heritage Conversation Area and close to local heritage items. The proposed rezoning is consistent with this Direction as:</p> <ul style="list-style-type: none"> <li>the proposal does not change existing development standards which control built form and amenity outcomes; and</li> <li>there are no amendments proposed to existing heritage provisions that apply to the sites (i.e. clause 5.10 in the Sydney LEP 2012). Any future development on the sites and associated potential heritage impacts can be addressed as part of any future development assessment process.</li> </ul>
4.1 Flooding	Not Applicable	Direction 4.1 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land. The planning proposal does not relate to flood prone land and therefore the Direction does not apply.
4.4 Remediation of Contaminated Land	Unresolved – Gateway condition recommended	<p>Direction 4.4 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The Direction applies when a planning proposal applies to:</p> <p><i>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</i></p> <p><i>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</i></p> <p><i>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</i></p> <p><i>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred</i></p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p><i>to in Table 1 to the contaminated land planning guidelines has been carried out, and</i></p> <p><i>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</i></p> <p>The term 'development' and expression 'carrying out of development' are broadly defined under section 1.5 of the EP&amp;A Act, and include use of land. It is not necessary for any physical alterations to be done on the subject land for there to be considered a development, and may simply be a rezoning of the land as proposed.</p> <p>The sites have been used for education establishment related uses including student accommodation and an office, however no information has been provided on the historical knowledge on the use of the sites prior to the current uses. As there is incomplete knowledge as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, the subject land meets the criteria of paragraph (c)(i).</p> <p>Without certainty on the land use history of the sites and as the proposal relates to the rezoning of the site for residential purposes, to satisfy subclauses (1) and (2) of Direction 4.4 further information is required.</p> <p>In light of the above, consistency with Direction 2.6 remains unresolved. A Gateway condition is recommended to require this direction to be addressed with any supporting documentation to be included in the planning proposal.</p>
4.5 Acid Sulfate Soils	Consistent	<p>Direction 4.5 aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The sites are mapped under the Sydney LEP 2012 as having the probability of containing Class 5 acid sulfate soils. The proposal does not seek to increase density controls on the sites.</p> <p>Clause 7.14 in the Sydney LEP 2012 is considered adequate to prevent environmental damage arising from the exposure of acid sulfate soils and the proposal does not seek to alter this existing provision.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>Direction 5.1 aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve specified planning objectives relating to transportation integration.</p> <p>The Direction applies as the planning proposal seeks to rezone land to residential and business purposes. The proposal is consistent with this direction as it rezones land to R1 and MU1,</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		which is accessible and well located in proximity to nearby centres, social infrastructure, public transport and open space.
6.1 Residential Zones	Consistent	<p>Direction 6.1 aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands.</p> <p>The Direction applies as the planning proposal seeks affects land in a proposed residential zone and in the proposed MU1 Mixed Use zone where significant residential development is permitted. The proposal is consistent with this direction as the rezoning broadens the choice of potential residential building types in a location serviced by existing infrastructure and services. The proposal does not contain provisions which will reduce the permissible residential density of land.</p>
7.1 Business and Industrial Zones	Consistent	<p>Direction 7.1 aims to encourage employment growth, protect industrial and employment lands and support the viability of identified centres. This direction applies to the planning proposal as it will affect land within a proposed business zone – MU1 Mixed Use (at 2 Arundel Street). The planning proposal is consistent with this Direction as it seeks to zone 2 Arundel Street to MU1 to reflect its existing office use.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. It does not contain any provisions that would hinder the operation of applicable SEPPs which can be considered in further detail as part of any future development applications for the sites.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal relates only to amending the land use zones and does not propose any changes to the LEP controls that would facilitate increased density.

The proposed land use zones are compatible with the existing and future surrounding uses.

The rezoning of properties to R1 General Residential aligns with the existing uses and development on the sites and with the existing surrounding land use zoning and residential uses.

The rezoning of 2 Arundel Street to MU1 Mixed Use aligns with the existing office use and the proposal considers it complements the University office use of a 4 storey building opposite the site at 71-79 Arundel Street. It could also allow for a residential use which is not considered incompatible with surrounding residential land uses.

Overall, there are no likely negative environmental impacts that would arise as a result of the planning proposal.



## 4.2 Social and economic

The planning proposal considers it will not result in any social effects as an outcome of the proposal as it will not result in any significant change to the use of land or the intensity of that use. As stated earlier in the report, the University has existing policies around preferred locations and models for student accommodation. It is acknowledged the houses are currently vacant, not considered suitable for student accommodation and no loss of existing student accommodation.

The economic impacts associated with the proposal are considered to be positive as the rezoning will result in an expansion of the range of land uses that may be permitted with consent on the sites.

## 4.3 Infrastructure

There is no additional infrastructure demand that will result from the planning proposal as it does not involve any amendments to the planning controls that will facilitate intensified development. The sites are well serviced by existing local public transport and are within 100-200 metres away from bus stops which provide services in most directions. The proposal states that there is adequate public infrastructure to support the proposal.

# 5 Consultation

## 5.1 Community

The Department recommends a community consultation period of a minimum of 20 working days, as foreshadowed by Council. This timeframe is consistent with the Department's *Local Environmental Plan Making Guideline 2022* (LEP Making Guideline) timeframe for a standard planning proposal. A Gateway condition has been included to this effect.

## 5.2 Agencies

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

It is recommended that NSW Department of Education is consulted on the planning proposal and given at least 30 days to comment:

# 6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The Department concurs with this timeframe in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

# 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site/planning proposal is considered a local matter, 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:

- it is consistent with the Eastern City District Plan, Council's Local Strategic Planning Statement and relevant SEPPs and section 9.1 Directions.
- it seeks to amend the land use zoning of the sites and apply zonings consistent with the current development and surrounding land uses.
- it will not result in adverse environmental, social or economic impacts within the locality.

Based on the assessment outlined in this report, the proposal must be updated before public exhibition to update commentary on the section 9.1 Ministerial Direction 4.4 Remediation of Contaminated Land.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 4.4 Remediation of Contaminated Land is unresolved and will require justification.

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:
  - i. Update the commentary regarding section 9.1 Ministerial Direction 4.4 Remediation of Contaminated Land.
2. Consultation is required with the following public authority:
  - NSW Department of Education
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. Prior to the finalisation, the planning proposal is to be updated to:
  - i. include information that demonstrates consistency with, or that any inconsistency is justified and/or of minor significance, in relation to section 9.1 Direction 4.4 Remediation of Contaminated Land.
5. The planning proposal must be placed on public exhibition not more than 2 months from the date of the Gateway determination.
6. The planning proposal must be reported to Council for a final recommendation not more than 5 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 7 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



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