

TO: Sydney Central City Planning Panel

SUBJECT: 80 Betty Cuthbert Drive Lidcombe.

APPLICATION No: DA2021/0435

Application lodged	Tuesday 24 August 2021.
Applicant	Multiple Sclerosis Limited (MSL).
Owner	Minister Administering the Public Works and Procurement Act 1912.
Application No.	DA2021/0435.
Description of Land	80 Betty Cuthbert Drive Lidcombe being Lot 74 in DP 1141724.
Proposed Development	Construction of a part one (1), part two (2) and part three (3) storey Multiple Sclerosis (MS) Wellbeing Centre inclusive of 20 x 2 bedroom units for temporary accommodation, provision of carparking and new access driveways, drainage and stormwater detention works and tree removal.
Site Area	8,789.8 Square metres.
Zoning	SP2 (Infrastructure) - Hospital.
Disclosure of political donations and gifts	Nil disclosure.
Heritage	The site is not listed as a heritage item or an archaeological item under the Auburn Local Environmental Plan 2010.
Principal Development Standards	There is no floor space ratio or building height provision applying to the site.
Issues	Submissions.

SUMMARY

1. Development Application 2021/0435 was received on Tuesday 24 August 2021 for the construction of a part one (1), part two (2) and part three (3) storey Multiple Sclerosis (MS) Wellbeing Centre inclusive of 20 x 2 bedroom units for temporary accommodation, provision of carparking and new access driveways, drainage and stormwater detention works and tree removal.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between Monday 6 September and Monday 20 September 2021. In response, Council received three (3) submissions.
3. There are no variations to the planning controls proposed.
4. The development application is referred to the Panel as the proposal is identified as being Regionally Significant Development with a capital investment value of greater than \$30 million.
5. The application is recommended for approval subject to conditions.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The subject site is legally described as Lot 74 in DP 1141724 and is known as 80 Betty Cuthbert Drive Lidcombe. The site, the subject of the development application occupies an area of 8,789.8 square metres although the site has a significantly larger area of approximately 57,678.8 square metres. The existing MS (Multiple Sclerosis) Centre is situated across the northern part of the site which includes car parking areas.

There are numerous trees situated across the site several of which will require removal to facilitate the development. There is also a sealed road traversing through the site.

The levels of the land are:-

- North east corner 34.85 metres AHD.
- North west corner 32 metres AHD.
- South east corner 38.7 metres AHD.
- South west corner 34.59 metres AHD.

This results in the land having a fall of between 2.85 metres and 4.11 metres from the south east to the west and north.

A subdivision plan approved as part of Subdivision Number SC-25/2009 and dated 17 July 2009 identifies the presence of three easements across the site being stormwater easements and an easement for sewerage purposes. The applicant has stated that the stormwater easements were never formerly created and the sewerage easement was never carried forward on the title post acquisition.

The site, the subject of the development application adjoins a residential area to the south. Betty Cuthbert Drive is located to the east and there are dwelling houses fronting the road along the eastern side of the site. Further afield, there are residential areas to the north and north east.

Joseph Street being a classified arterial road borders the site to the west and grassed areas associated with the existing multiple sclerosis centre lies to the immediate north.

The site is shown below.

Figure 1 - Aerial photo of site with development site edged in yellow.



Figures 2 and 3 - Site images from Betty Cuthbert Drive.



DESCRIPTION OF THE PROPOSED DEVELOPMENT

Development application 2021/0435 has been submitted to the Council for determination for the construction of a part one (1), part two (2) and part three (3) storey multiple sclerosis (MS) wellbeing centre inclusive of 20 x 2 bedroom units for temporary accommodation, provision of car parking, new access driveways, drainage and stormwater detention works and tree removal.

The following is a summary of the proposed development:-

- Construction of a new part one (1), part two (2) and part three (3) storey MS Wellbeing Centre.
- Construction of two new driveways from Betty Cuthbert Drive.
- Drainage and stormwater detention works.
- Tree removal.
- A small kiosk electricity substation to service the development situated on the western side of the site close to Joseph Street.

The proposed MS Wellbeing Centre will operate as a health services facility which contains a variety of health service facility rooms and ancillary functions including:-

- Therapy rooms (The plans show 8 therapy rooms proposed on the ground floor).
- Multifunction spaces across the ground floor.
- Active gym and studio.
- Outdoor active space areas including an internal courtyard.
- Indoor children's play area.
- Kitchen and café lounge.
- Office spaces including a board room on the first storey. The office space is an open plan arrangement.
- Ancillary temporary accommodation for MS patients and their families consisting of twenty (20) x two (2) bedroom units with each unit occupying an area of 82 square metres. The accommodation will function in conjunction with the wellbeing facility and not as separate housing. The applicant is treating the accommodation as ancillary development.

The accommodation rooms are only used for short stay purposes for patients who are being treated for MS and their immediate families. The rooms are more likely to be used for patients who live in rural and regional areas of the state where travel is impractical during treatment.

The site will also provide a treatment facility for those living with MS. The therapy rooms will be used for this purpose and operated by allied health providers such as physiotherapists and massage therapists.

Car parking and loading bay

Onsite car parking for fifty five (55) vehicles including nine (9) for people with disabilities will also be provided with vehicle access from Betty Cuthbert Drive.

There are three car parks shown on the plans with one along the northern side of the facility for twenty five (25) vehicles, one along the eastern side of the facility but undercover for seven (7) vehicles and one within a basement on the southern side of the development for twenty three (23) vehicles. The basement car park is situated beneath the accommodation wing of the centre although it is noted that a portion is open to the elements. The applicant is supporting a condition to have the basement fully enclosed as discussed within the report.

A single loading bay is provided adjacent to car parking area Number 2 which also doubles for waste removal.

Building Identification Sign

The development application includes the erection of one building identification sign within the window adjoining the main entry to the facility on the ground floor adjacent to Betty Cuthbert Drive. The sign will be 3.3 metres high and 3 metres wide and incorporates 3D illuminated letters.

Hours of operation and staff numbers

The proposed hours of operation of the MS Wellbeing Centre are 8 am to 5 pm weekdays. The proposed hours of operation of the gym are from 8 am to 8 pm on weekdays and 8 am to 1 pm on weekends.

At least 58 staff will be required to work within the centre including allied health staff and support coordination staff.

Demolition work

The existing vegetation and road within the site will need to be removed to permit the construction of the building. Furthermore, the development application seeks the removal of twenty one (21) trees on site to facilitate the development.

Further, consent for the demolition of the existing multiple sclerosis wellbeing centre will be sought as part of a future development application once the new facility is constructed.

HISTORY

The applicant attended a pre lodgement meeting with Council officers to discuss the project on Thursday 4 February 2021 (PL2021/101).

The development application was lodged with the Council for determination on Tuesday 24 August 2021.

The development application was notified for a period of fourteen (14) days between Monday 6 September and Monday 20 September 2021. During the notification period, there were three (3) submissions received which are addressed below within the report.

The first Panel briefing occurred on Tuesday 14 September 2021 between Council officers, the applicant and the Panel members to discuss the project including any issues that may arise.

The applicant lodged additional details on Friday 8 October addressing concerns raised in Council's correspondence of Friday 17 September 2021.

The application was presented to the Panel for a detailed briefing and discussion on Thursday 14 October 2021 and the following matters were raised:-

1 - The building could further address the site context, namely the residential side boundary (west), the open space (east) and the residential streetscape (south). This may be achieved by consideration of lowering the building on, or closer to ground level to avoid elevated balconies and retaining walls. If this is not possible, the Applicant could consider:-

- Lowering carpark 3 such that it can be roofed and landscaped and integrated as open space for rooms.
- Provide a landscape outlook for the waiting room, café / lounge, kitchen by providing a landscape setback between carpark 1 and the building.
- Locating carpark 1 on the ground.

- Providing a landscape setting, public footpath and row of trees along Betty Cuthbert Drive.

2 - Community concerns are raised regarding streetscape quality and height of buildings and that 21 trees are to be removed. There is potential for trees to be replaced along the street edge and to the rear of the development. This would assist in providing residents with visual relief from the busy road and an outlook to the eastern open space while improving the view from the street into the property and the streetscape.

The matters raised have been addressed below under the heading "Provisions of any Development Control Plans".

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by SJB Planning and dated May 2021 in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory for approval. Conditions are provided addressing stormwater drainage and parking related matters.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory subject to conditions. In this regard, standard conditions addressing construction and the Occupation Certificate are required and compliance details shall be given to the Principal Certifier for the construction certificate assessment.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory subject to conditions. In this regard:-

- Noise and acoustics are satisfactory and outstanding issues are capable of being addressed via conditions.
- Matters concerning food handling and safety are capable of being addressed via conditions.

- The site is found to be partially contaminated however, a remediation action plan has been submitted demonstrating how the issue may be resolved. It is concluded that the site is capable of being made suitable to support the development.

Tree Management Officer

The development application was referred to Council's Tree Management Officer due to the number of trees that are required for removal. As per the comments received:-

- The landscape plan is satisfactory although conditions are recommended addressing the planting of Eucalyptus Trees including location.
- The consulting Arborist is satisfactory although it is suggested that a condition be provided addressing the collection of viable seeds to retain the gene pool.
- The ecologist report is satisfactory and the recommendations provided should be form the basis of appropriate conditions.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory. No formal conditions are provided addressing waste.

EXTERNAL REFERRALS

The development application is not required to be referred to any external Government bodies and agencies.

PLANNING COMMENTS

Crown development

The development is occurring on land owned by the New South Wales Government being Property and Development New South Wales. Landowner consent has been received from Property and Development New South Wales. The applicant has not nominated the development application as being made by or on behalf of the Crown and as such, the procedures governing Crown development are not required to be followed.

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

(a) State Environmental Planning Policy (State and Regional Development) 2011

Development of a type that is listed in Schedule 7 of SEPP (State and Regional Development) 2011 is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979. The proposed

development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) which exceeds the \$30 million threshold. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

(b) State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Details of contamination investigations carried out at the site	
<p>The development application has been referred to Council's Environment and Health Department for assessment following the submission of a detailed site investigation report prepared by GeoEnviro Consultancy Pty Ltd (Reference number JE19705B-r1 and dated September 2021 and a remediation Action Plan also prepared by GeoEnviro Consultancy Pty Ltd and dated 09/21.</p> <p>The reports conclude that the site is capable of being made suitable to support the development subject to the recommendations made in the reports. Appropriate conditions are provided by Council's Environment and Health Department addressing land contamination issues that have arisen.</p>	

(c) State Environmental Planning Policy No 64 - Advertising and Signage

The development application includes the erection of one building identification sign within the window adjoining the main entry to the facility on the ground floor adjacent to Betty Cuthbert Drive. The sign will be 3.3 metres high and 3 metres wide and incorporate 3D illuminated letters. The assessment at Appendix A using the State Policy shows the sign as being compliant with the relevant provisions and suitable for the building.

(d) State Environmental Planning Policy (Infrastructure) 2007

The provisions of State Environmental Planning Policy (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45 - Development likely to affect an electricity transmission or distribution network

The plans are showing the location of an electricity substation to be situated on the western side of the site close to the Joseph Street property boundary. The substation forms part of the development site and is required to service the new facility.

Clause 101 - Frontage to classified road

The application is subject to clause 101 of the Infrastructure SEPP as the site has frontage to Joseph Street which is a classified road.

The plans do not show any access to and from Joseph Street and all vehicular access is from Betty Cuthbert Drive. Generally, the provisions of Clause 101 will not be applicable to the development application.

Clause 102 - Impact of road noise or vibration on non-road development

The application is subject to clause 102 of the ISEPP as the annual average daily traffic volume along Joseph Street is greater than 40,000 vehicles.

Clause 102(1) will apply to the development although it will have greater applicability to the residential accommodation and especially for the accommodation rooms situated closest to the western side of the site.

Generally, the development is setback 14 to 15 metres from the western property boundary as highlighted within the plans.

A detailed acoustic assessment prepared by Rodney Stevens Acoustics (Report Number R200337R1) dated 28 April 2021 has been submitted. The report addresses noise intrusion within and external of the development including the accommodation which would be most at risk from noise intrusion. The report concludes that the level of construction is adequate to provide a satisfactory environment without noise intrusion. The report made a number of recommendations at Part 10 addressing acoustic matters and appropriate conditions have been provided by Council's Environment and Health Officers addressing acoustic matters.

Clause 104 - Traffic generation developments

The application is not subject to clause 104 due to location and as such, formal referral to Transport for New South Wales is not required.

(e) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The development application is requesting the removal of twenty one (21) trees across the site, the protection of twenty nine (29) trees and the planting of sixty two (62) new trees on site.

Clause 7(1) of the State Policy requires a permit to clear vegetation in any non rural area while Clause 7(2) provides that a person must not clear vegetation in any non rural area of the state that exceeds the biodiversity offsets scheme without an approval from the Native Vegetation under Part 4.

The development site occupies an area of just under 5.8 hectares. There is no minimum lot size specified in the zone and therefore the minimum lot size must be taken as the entire site. Based upon the development site, the area threshold would be exceeded if the development involved the clearing of 0.5 hectares or more of native vegetation.

The project involves the clearing of approximately 0.28 hectares of native vegetation across land that is disturbed, modified and cleared. Approval under Clause 7(1) is not required and Clause 7(2) will not apply to the development.

Clause 9(1) states that Part 3 of the Policy applies to vegetation in any non rural area of the state that is declared by a development control plan to be vegetation to which this part applies. It is identified that Part 3 of the State Policy will apply to the clearing of the vegetation / trees on site. In this regard, the application seeks consent for the removal of the trees.

Additionally:-

- The site does not form part of a heritage item.
- Is not known to be part of an Aboriginal object or located within an Aboriginal place of heritage significance or within a heritage conservation area.
- The area to be cleared does not exceed the biodiversity offsets scheme.

The arborist report prepared by Earthscape Horticultural Services and dated 21 July 2021 identifies that:-

- The development will necessitate the removal of four (4) trees of low to very low retention value including Mugga Ironbark and Tallowwood (Trees numbered T4, T14, T28 and T31).
- The development will necessitate the removal of eleven (11) trees of moderate value including Tallowwood, Wollybutt, Spotted Gum and Broadleaved Ironbark (Trees numbered T3, T8, T10, T15, T22, T24, T25, T26, T29, T30 and T32).
- The development will necessitate the removal of six (6) trees of high retention value including Tallowwood and Broadleaved Iron (Trees numbered T5, T6, T7, T12, T13 and T27).

The report recommends replacement planting to compensate for the loss of trees on site. Part 11.1.3 of the report addresses suitable species to plant on site with many species being the same as those that are to be lost such as Broadleaved Ironbark, spotted gum and

Wollybutt species. Council's Tree Management Officer has assessed the reports submitted and has agreed to the conclusions made and supports the removal of the trees.

(f) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate Number 1247353M and dated 14 October 2021 has been prepared addressing the twenty (20) accommodation rooms to be constructed. The development is identified as being satisfactory and the certificate and supporting information is required to be incorporated into any consent issued.

Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

(a) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as 'land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic Foreshore Site' and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

Local Environmental Plans

Auburn Local Environmental Plan 2010

The provision of the Auburn Local Environmental Plan 2010 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Auburn Local Environmental Plan 2010 and the objective of the SP2 zoning.

(a) Permissibility.

The site is within the SP2 Infrastructure zone "Hospital" under the Auburn Local Environmental Plan 2010. The applicant has categorised the development as a "Health Services Facility". In accordance with the standard instrument, a health services facility is defined as:-

"A building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following-

- a) A medical centre.*
- b) Community health service facilities.*
- c) Health consulting rooms.*
- d) Patient transport facilities, including helipads and ambulance facilities.*
- e) Hospital.*

The proposed development and use comprises an MS wellbeing facility "Hospital" designed to provide therapy, care and support for patients, friends, carers and family. The proposed

development will contain a variety of medical and health consulting rooms with ancillary uses and facilities. It is considered that the proposed facility meets the definition of a health services facility and is permissible with consent in the SP2 zone.

The development also includes twenty (20) accommodation rooms attached to the facility for use for patients and their families on short term stays. The accommodation rooms are ancillary to the development.

Under subclause 3 of the SP2 zone, “*development that is ordinary incidental or ancillary to development for that purpose*” is also permissible with consent. In this regard, the accommodation rooms would also be permissible with consent as they function in conjunction with the centre.

Permissibility of the building identification sign

A building identification sign is a permissible development with consent in the SP2 Infrastructure zone.

The relevant matters to be considered under the Auburn Local Environmental Plan 2010 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Appendix B.

Development Standard	Proposal	Compliance
Clause 4.3 Height of Buildings. No limit.	11.26 metres.	Complies.
Clause 4.4 Floor Space Ratio. No limit.	0.607:1.	Complies.
Clause 5.10 Heritage Conservation.	No heritage.	Noted.
Clause 6.3 Flood Planning.	The site is not prone to flooding.	Noted.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

(a) Draft Cumberland Local Environmental Plan (Draft CLEP)

The draft Cumberland Local Environmental Plan (Draft CLEP) has been prepared by Cumberland City Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:-

- Holroyd Local Environmental Plan 2013.
- Parramatta Local Environmental Plan 2011.
- Auburn Local Environmental Plan 2010.

The draft Cumberland Local Environmental Plan has been publicly exhibited and submitted to the Department of Planning and Environment for consideration. In this regard, the draft Cumberland Local Environmental Plan has been considered in the assessment of the development application.

The current planning controls for the subject site, as contained within the Auburn Local Environmental Plan 2010 are not proposed to change under the draft Cumberland Local Environmental Plan.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The Auburn Development Control Plan 2010 is applicable to the proposed development which provides guidance for the design and operation of the development to achieve the aims and objectives of the Auburn Local Environmental Plan 2010.

Generally, Council does not have any controls governing the type of development and accommodation that is proposed and a merit assessment is required. It is identified that:-

- The front, side and street setbacks are adequate and the presentation to Betty Cuthbert Drive is generally satisfactory.
- The MS Hospital is a purpose built centre and the design, appearance and building materials to be used are generally acceptable.
- The development is between one and three storeys in height and generally compatible with the streetscape and surrounding built form which is generally characterised by dwelling houses that are one and two storeys in height.
- The development provides a satisfactory level of shadowing towards the rear yards and the dwellings of the residential dwellings to the south that are facing Wattle Crescent. In this regard, all the dwellings facing Wattle Crescent including their internal living spaces and their associated rear yards will receive at least 3 or more hours of sunlight at the June 21 winter solstice.
- Retaining walls will be required along the eastern side of the site to a maximum height of 1.8 metres. The retaining wall is at the highest level at that point where the driveway enters the basement car park.

During the Panel briefing of Thursday 14 October 2021, the Panel raised a number of concerns with the development as previously described above under the heading "History". The applicant has provided a detailed written response which is attached as Appendix C. Appropriate conditions have been included into the Notice of Determination to address some of the concerns raised for Panel consideration.

Parking and Loading Chapter

The Parking and Loading Chapter requires the following car parking rates for certain land uses:-

- 1 space per 2 beds for a hospital.
- 1 space per 40 square metres for an office.
- 6 spaces per 100 square metres of gross floor area for a gymnasium.

The above if applied would generate the need for 67 car parking spaces.

Council's Development Engineers have determined that the applicants decision to provide 55 car parking spaces on site based upon the applicants traffic study of:-

- 20 spaces to support the accommodation.
- 24 spaces to support the 8 consulting rooms.
- 10 spaces to support the office needs for the administration staff.

Is acceptable and supported for the development. The applicant's traffic study prepared by Transport and Traffic Planning Associates and dated April 2021 provides for the following traffic conclusions:-

- The redevelopment will result in a minor increase in additional traffic generation that should not coincide with the road network peak periods.
- The centre based on demand will require 46 car parking spaces and the provision of 55 spaces is considered adequate.
- Access arrangements and internal circulation and servicing arrangements are acceptable and the design is complaint with AS 2890.1 design criteria.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulations 2000* (EP&A Reg).

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development other than what is described within the planning assessment report. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Auburn Development Control Plan 2010, the development application was publicly notified for a period of fourteen (14) days between Monday 6 September 2021 and Monday 20 September 2021. During the notification period, Council received three (3) unique submissions. The issues raised within the submissions are outlined below.

Design and appearance

<p>The development will overwhelm an already narrow residential street cutting out whatever little open space we have.</p>	<p>The street already services the existing MS centre which is likely to be decommissioned once the new facility is completed and operational.</p> <p>Additionally, the land is owned by the New South Wales Government and such land is not designated as parkland.</p> <p>The development is consistent with the land use zoning being SP2 Infrastructure, more specifically "Hospital". The development is consistent with the planning for the subject site.</p>
<p>The development should be moved towards Joseph Street so the residents in Ironbark Crescent can have some open space opposite their houses.</p>	<p>Side, rear and street setbacks are determined as being generally satisfactory and it is considered that the development does not need to be redesigned within another location.</p>
<p>There is little attention to open space and outdoor areas. There needs to be more beautification, walkways, parks and green spaces.</p> <p>A park should also be provided for residents.</p>	<p>Adequate landscaping, outdoor areas and supervised outdoor areas are provided and assessed as being satisfactory.</p> <p>The land is not zoned or intended to be designated as a public park. The development is consistent with the zoning of the site being "Infrastructure" - Hospital. Hence, the land is earmarked for a hospital, not parkland or recreation.</p>

Traffic and engineering issues

<p>The entrance and exit is planned directly on Betty Cuthbert Drive which is overwhelming an already narrow street packed with residential cars.</p> <p>The main entrance will be on Betty Cuthbert Drive which will result in significant traffic. The main entrance should be from Joseph Street.</p>	<p>There are no issues raised in relation to the location of the driveways and vehicle entry / exit areas. Council engineers support the position of the driveways and car park areas as shown on the plans.</p> <p>Significant traffic flows are not expected given that treatment and attendance is limited in numbers and via prior appointment.</p>
<p>There is no sewer service diagram detailing the connection of the wastewater system from the new building to Sydney Water infrastructure.</p> <p>The current infrastructure had a major failure in November 2014 requiring major</p>	<p>The new facility will be located approximately 200 metres south of the existing facility which will require a new plumbing system. There is no evidence to show or suggest that connections to the sewer system will cause failures. Standard</p>

excavation and repairs to our property. The current use will cause more failures and further damage to our property.	conditions will be required addressing services and connections for any consent.
--	--

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis, it is considered that the development if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020. In accordance with the Contribution Plan, a contribution is payable which is calculated at \$ \$347,655.00 and conditioned accordingly.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* and the following planning instruments:-

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55).
- State Environmental Planning Policy No 64 - Advertising and Signage.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- Auburn Local Environmental Plan 2010.
- Draft Cumberland Local Environmental Plan.
- Auburn Development Control Plan 2010.

The development is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the SP2 Infrastructure zone "Hospital" under the relevant provisions of the Auburn Local Environmental Plan 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

RECOMMENDATION

1. That Development Application 2021/0435 for construction of a part one (1), part two (2) and part three (3) storey Multiple Sclerosis (MS) Wellbeing Centre inclusive of 20 x 2-bedroom units for temporary accommodation, provision of carparking and new access driveways, drainage and stormwater detention works and tree removal on land at 80 Betty Cuthbert Drive Lidcombe be approved subject to conditions.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

1. Panel Assessment Report Cover Sheet
2. Draft Notice of Determination
3. Architectural Plans
4. Shadow Diagrams
5. Landscape Plan
6. Redacted submissions Received
7. Appendix A - State Environmental Planning Policy 64 "Advertising and Signage" assessment
8. Appendix B - Auburn Local Environmental Plan 2010 assessment
9. Appendix C Auburn Development Control Plan Assessment Sheet
9. Appendix D - Applicants response to Panels concerns