



IRF23/494

## Gateway determination report – PP-2021-6630

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143 Stoney Creek Road, Beverly Hills

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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
Planning Proposal (January 2023)
Planning Proposal - Appendix A – Planning Concept & Site Analysis – 143 Stoney Creek Road, Beverly Hills (Ionic Management, May 2022)
Planning Proposal - Appendix B – Flood and Risk Impact Assessment – 143 Stoney Creek Road, Beverly Hills (Northrop, June 2022)
Planning Proposal - Appendix C – Traffic Assessment – 143 Stoney Creek Road, Beverly Hills (ASON Group, April 2022)
Planning Proposal - Appendix D – Detailed Site Investigation - 143 Stoney Creek Road, Beverly Hills (EI Australia, July 2022)
Rezoning Review (RR-2022-26) Record of Decision, Sydney South Planning Panel, dated 15 December 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Georges River</b>
<b>PPA</b>	Sydney and Regional Planning Panels
<b>NAME</b>	143 Stoney Creek Road, Beverly Hills
<b>NUMBER</b>	PP-2021-6630
<b>LEP TO BE AMENDED</b>	Georges River Local Environment Plan (LEP) 2021
<b>ADDRESS</b>	143 Stoney Creek Road, Beverly Hills
<b>DESCRIPTION</b>	Lots 2 and 3, DP 1205598
<b>RECEIVED</b>	<b>3/02/2023</b>
<b>FILE NO.</b>	IRF23/494
<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 primary objective of the proposal is to:

*“expand the uses which can be accommodated within the existing building on the site and also within the approved medical centre building on the site, which the developer intends to deliver in 2023” (p.23).*

The planning proposal contains further detailed objectives and intended outcomes that seek to explain the intent of the proposal. This is discussed in further detail throughout the report.

## 1.3 Explanation of provisions

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

The planning proposal seeks to amend the Georges River LEP 2021 as per the changes outlined in **Table 3**.

**Table 3 Current and proposed controls**

Control	Current Controls	Proposed Controls sought by this Planning Proposal
Zone	Part SP2 Public Administration (SP2 zone) and part R2 Low Density Residential (R2 zone)	R4 High Density Residential (R4 zone)
Maximum height of building (HOB)	No HOB on SP2 zoned portion of the site 9m HOB on R2 zoned portion of the site	16m overall
Floor space ratio (FSR)	No FSR applies to the SP2 zoned portion of the site An FSR of 0.55:1 applies to the R2 zoned portion of the site	1.4:1
Additional Permitted Uses	N/A	“Business premises” and “office premises” to be included as land uses permitted with consent in Schedule 1.
Minimum lot size	No minimum lot size applies to the SP2 zone A 450m <sup>2</sup> minimum lot size applies to the R2 zone	1,000m <sup>2</sup>
Number of dwellings/capacity	0	38 (approximately)
Number of jobs	N/A – existing building on site is currently vacant, noting that there is an approved DA for a medical centre on the site	Potential for jobs with additional permitted uses

The Department notes that the proposal seeks to “provide additional permitted uses of ‘office’ and ‘business premises’ in Schedule 1 of Georges River LEP 2021” (p.24).

The Department recommends the proposal be updated prior to exhibition, to include reference to ‘office premises’, to accord with the standard definitions in the Standard Instrument (Local Environmental Plans) Order 2006.

### Intended land use outcomes

The proposal states that the primary objective is “to expand the uses which can be accommodated within the existing building on the site and also within the approved medical centre building on the site, which the developer intends to deliver in 2023” (p.23).

A Development Application (DA2020/0227) was approved on the site on 21 February 2021, which includes the following:

- approximately 3,400m<sup>2</sup>, 3-storey medical centre with an FSR of 1.4:1 and height of 16 metres;
- three levels of basement car parking for 114 vehicles; and
- a flood chamber.

The proposal states:

*“Whilst a medical centre (being a type of health services facility) is not ordinarily permissible on the site, Clause 57 within Division 10 of State Environmental Planning Policy (Infrastructure) 2007 (now Clause 2.60 in State Environmental Planning Policy (Transport and Infrastructure) 2021) provides the following:*

*(1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.*

*The prescribed zones are identified in Clause 56 and include R2 Low Density Residential and also SP2 Infrastructure. These are the two zones which apply to the subject site, and therefore a ‘health services facility’ is permissible on the subject site notwithstanding the provisions of the Georges River Local Environmental Plan 2021” (p.12).*

The Department notes that ‘medical centres’ are a form of ‘health service facility’. Under Georges River LEP 2021 ‘health services facilities’ are permitted with consent in the proposed R4 High Density Residential zone.



**Figure 1: CGI of approved 3 storey medical centre, as viewed from Stoney Creek Road**  
 (Source: Extract from Planning Proposal, January 2023, Figure 3, p.13)

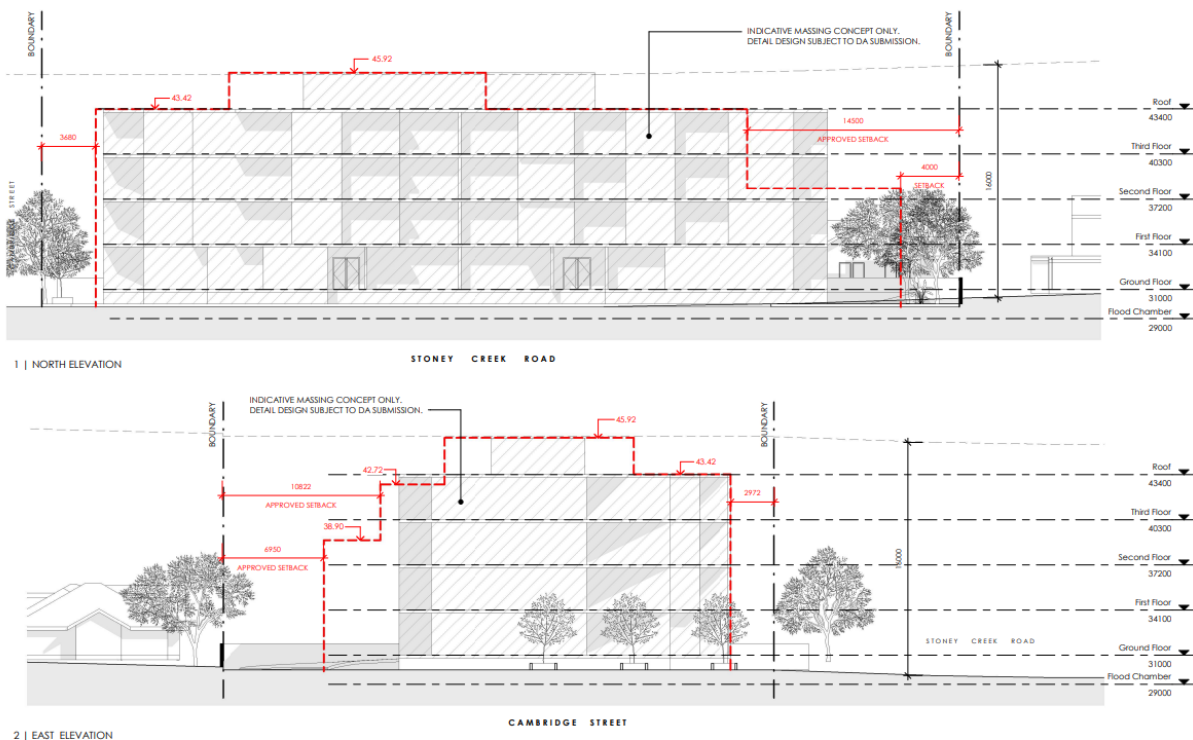


**Figure 2: Approved section (DA2020/0227)**

(Source: Extract from Planning Proposal, January 2023, Figure 12, p.17)

The planning proposal is supported by a Planning Concept & Site Analysis (prepared by Ionic Management in May 2022), which demonstrates the site's suitability to accommodate a potential residential flat building in accordance with the proposed development controls. This was provided at the request of Council, as a residential flat building was deemed by Council to be the 'highest and best use' in the R4 zone.

The proposal states that the *“proposed R4 High Density Residential zone for the site, combined with the proposed FSR of 1.4:1 which reflects the current approved development on the site, would facilitate a modest 38 apartments”* (p.34).



**Figure 3: North and East elevations of a potential RFB concept for the subject site**

(Source: Extract from Planning Concept & Site Analysis, Ionic Management, May 2022, p.12)



## 1.4 Site description and surrounding area

### 1.4.1 The site

The subject site is known as 143 Stoney Creek Road, Beverly Hills and is legally described as Lots 2 and 3 in DP 1205598. The site can be seen in **Figure 4**.

The site comprises a total site area of approximately 2,454m<sup>2</sup> and has street frontages to Stoney Creek Road (a state classified road) and Cambridge Street. The proposal states that:

*“The site has been used as a Roads and Traffic Authority administration centre for over 40 years and contains an office building of approximately 480 square metres at the north-eastern corner of the site, with the remainder of the site occupied by a hard stand car park for approximately 40 cars. The site was sold by the NSW State Government in mid-2018” (p.8).*

The proposal also notes that the site has been vacant for over 4.5 years (p.5).



■ Subject Site – 143 Stoney Creek Road, Beverly Hills

**Figure 4 Subject site**

(Source: Nearmap, February 2023)

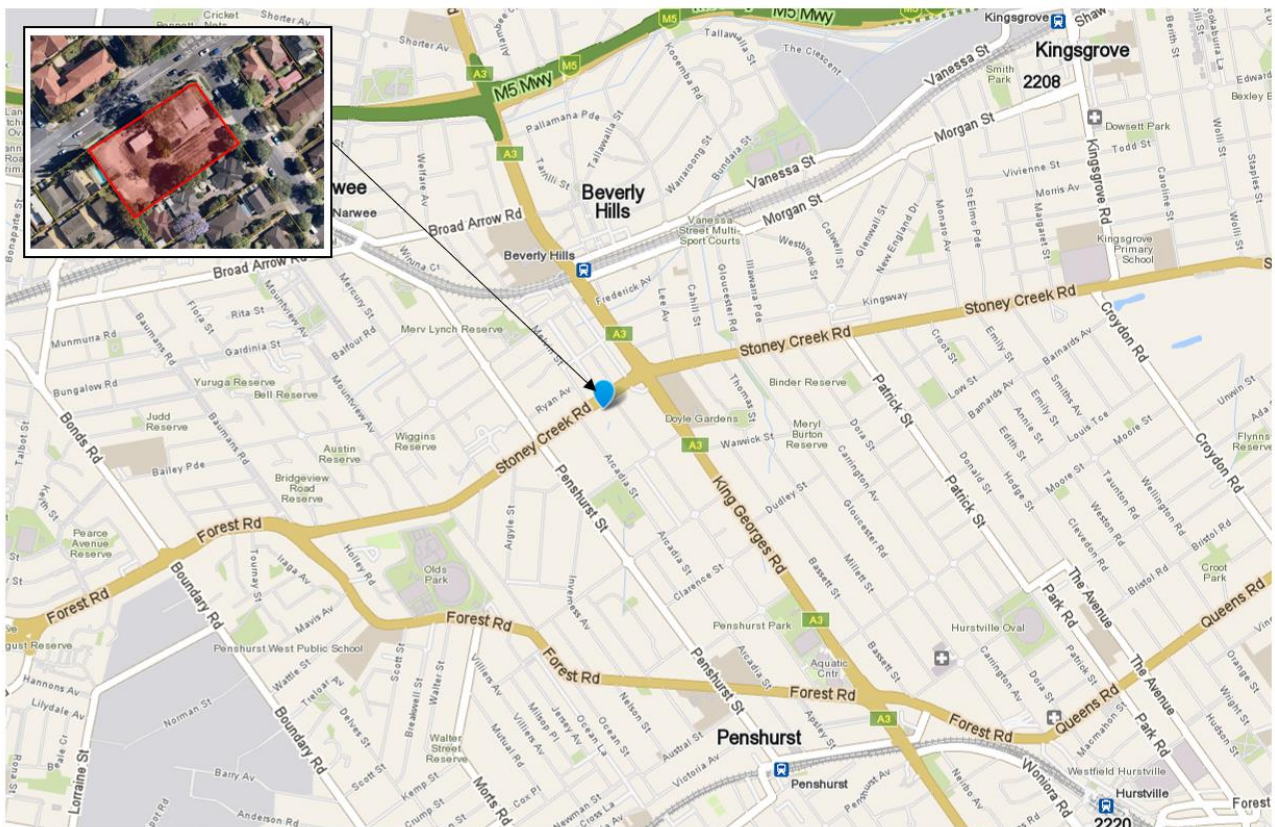
### 1.4.2 The surrounding area

Surrounding development is characterised by a mix of residential flat buildings, low density detached and semi-detached dwellings. The surrounding residential development generally ranges in height from one to three storeys.

The site is located:

- approximately 700m walking distance south of Beverly Hills train station, and approximately 1.9km north of Penshurst train station;
- in close proximity to retail, entertainment, commercial uses and services in the Beverly Hills Town Centre, which is located to the north along King Georges Road (and is currently the subject of a council-led masterplan, as discussed further in this report);
- within walking distance of bus services which operate along nearby King Georges Road; Penshurst Street and Stoney Creek Road;
- in proximity to open space and recreational areas, including Gifford Park (to the south); Olds Park (to the south-west); Penshurst Park (to the south-east); Doyle Gardens (to the east) and Merv Lynch Reserve (to the north-west).
- in proximity to existing social infrastructure including Beverly Hills Public School (to the east) as well as a nearby medical centres located along King Georges Road (to the north).

The site surrounds can be seen in **Figure 5**.



**Figure 5 Site context**

(Source: Nearnmap and Whereis.com, February 2023)

A search of Heritage NSW's Aboriginal Heritage Information Management System on 23 February 2023 has not identified any sites or places of aboriginal significance within the subject site or nearby surrounds.



The subject site does not contain an item of environmental heritage item, nor is it located within a heritage conservation area.

The proposal also identifies the subject to be flood affected.

### 1.4.3 Current controls, zone context and mapping

The site is zoned part R2 Low Density Residential and Part SP2 Public Administration under the Georges River Local Environmental Plan (LEP) 2021. Land opposite the site along Stoney Creek Road (to the north) is zoned R4 High Density Residential, with the land to the east, west and south predominantly zoned R2 Low Density Residential (Refer to **Figure 7**).

The development controls that currently apply to the site and surrounding land under the Georges River LEP 2021 are outlined in **Table 3** and shown in **Figures 7, 9, 11** and **13**.

Maps illustrating the proposed amendments to the land use zoning, height of buildings, floor space ratio and lot size controls for the site under the Georges River LEP 2021, have been included in the planning proposal. Extracts of the proposed mapping amendments are shown in **Figures 8, 10, 12** and **14**.



B1 Neighbourhood Centre	R2 Low Density Residential
B2 Local Centre	R3 Medium Density Residential
B3 Commercial Core	R4 High Density Residential
B4 Mixed Use	RE1 Public Recreation
B6 Enterprise Corridor	RE2 Private Recreation
E1 National Parks and Nature Reserves	SP2 Infrastructure
E2 Environmental Conservation	W2 Recreational Waterways
IN2 Light Industrial	DM Deferred Matter

**Figure 7 Current Zoning**  
(Source: Georges River LEP 2021, Land Zoning Map Sheet LZN\_004)



**Figure 8 Proposed Zoning**  
(Source: Planning Proposal, January 2023, Figure 20, p.51)



**Figure 9 Current height of building**  
(Source: Georges River LEP 2021, Height of Building Map Sheet HOB\_004)



**Figure 10 Proposed height of building**  
(Source: Planning Proposal, January 2023, Figure 21, p.52)



**Figure 11 Current minimum lot size**  
(Source: Georges River LEP 2021, Lot Size Map Sheet LSZ\_004)



**Figure 12 Proposed minimum lot size**  
(Source: Planning Proposal, January 2023, Figure 23, p.53)



**Figure 13 Current Floor Space Ratio map**  
(Source: Georges River LEP 2021, Floor Space Ratio Map Sheet FSR\_004)



**Figure 14 Proposed floor space ratio map**  
(Source: Planning Proposal, January 2023, Figure 22, p.52)

## 1.5 Background

The following contains a summary of background information relevant to this planning proposal.

**Table 4 Overview of planning proposal history**

Date	Background
<b>Mid-2018</b>	The RTA administration centre on the subject site was closed, and the site sold by the NSW Government.
<b>10 June 2020</b>	The proponent lodged a development application for the subject site (DA2020/0227) for a 3-storey medical centre, comprising an FSR of 1.4:1 and maximum building height of 16m.
<b>21 February 2021</b>	The Sydney South Planning Panel granted development consent to the Development Application DA2020/0227 for the construction of a 3-storey medical centre with 3 levels of basement parking for 114 vehicles on the subject site.



Date	Background
<b>17 November 2021</b>	<p>The proponent lodged a planning proposal with Council for the site which sought to permit the following uses:</p> <ul style="list-style-type: none"> <li>– Commercial premises;</li> <li>– Centre-based child care facilities;</li> <li>– Health service facilities; and</li> <li>– Veterinary Hospitals.</li> </ul>
<b>23 February 2022</b>	<p>Council advised the proponent to reconsider the zoning of the site and include proposed maximum floor space ratio and height of buildings controls for the site and provide a concept scheme for a residential flat building design.</p>
<b>19 April 2022</b>	<p>The proponent submitted a revised planning proposal with Council.</p>
<b>March 2022 to July 2022</b>	<p>Council requested additional information including additional studies, and for the applicant to enter into a VPA.</p>
<b>6 October 2022</b>	<p>The proponent lodged a request with the Department of Planning and Environment for a rezoning review of the proposal, as Council had failed to indicate support for the proposal within 90 days.</p>
<b>18 November 2022</b>	<p>Georges River Council (Council) was contacted by the Department to provide comment on the proposed rezoning review. In a letter to the Department dated 18 November 2022, Council advised (amongst many things) that:</p> <ul style="list-style-type: none"> <li>– the planning proposal demonstrates strategic merit, and that the site is located within a ‘future housing investigation’ area under the exhibited draft Beverly Hills Master Plan;</li> <li>– the planning proposal demonstrates site specific merit;</li> <li>– a site-specific DCP has been prepared to guide the future built form of the site, with the preparation of an amendment to the DCP and exhibition to be undertaken at the proponents cost;</li> <li>– the planning proposal does not include an offer to enter into a VPA.</li> </ul>
<b>13 December 2022</b>	<p>The Strategic Planning Panel of the Sydney South Planning Panel considered the rezoning review proposal (RR-2022-26 / PP-2021-6630) for land at 143 Stoney Creek Road, Beverly Hills, which sought to amend the Georges River LEP 2021 to:</p> <ul style="list-style-type: none"> <li>– rezone the subject site to R4 High Density Residential;</li> <li>– introduce an FSR of 1.4:1 and maximum height of 16m; and</li> <li>– introduce ‘office premises’ and ‘business premises’ as additional permitted uses under Schedule 1.</li> </ul>

Date	Background
15 December 2022	<p>The Strategic Planning Panel of the Sydney South Planning Panel (the Panel) determined that the proposal should be submitted for a Gateway determination as it has demonstrated strategic and site-specific merit.</p> <p>In its decision, the Panel noted the following:</p> <ul style="list-style-type: none"> <li>– Council should consider a review of its Development Contributions Plan;</li> <li>– It is recommended that the LEP amendment and site specific DCP be supported subject to the inclusion of minimum lot sizes in the instruments consistent with the R4 zone;</li> <li>– The Planning Panel appoint itself as the PPA for this planning proposal (refer to <b>SSP Panel’s Record of Decision, 15 December 2022</b>).</li> </ul>
20 December 2022	<p>The Panel notified the proponent of its decision of 15 December 2022 that the proposal should proceed to Gateway.</p>
February 2023	<p>The proponent updated the planning proposal to introduce a proposed minimum lot size of 1,000m<sup>2</sup> for the site, to address the recommendations of the Panel to include minimum lot size provisions in the proposal, consistent with the R4 zones.</p> <p>The updated proposal was submitted to the Department on 3 February 2023 for Gateway determination.</p> <p>The planning proposal was considered adequate for assessment by the Department on 13 February 2023.</p>

## 2 Need for the planning proposal

The planning proposal is not the result of any specific strategy, study or report. Rather, it is a proponent led, site-specific planning proposal.

The proposal states that it has been initiated to:

- *“allow complementary commercial uses to occupy the approved 3 storey medical building approved on the site;*
- *expand the permissible uses on the site to allow the existing building on the site to be usefully occupied; and*
- *replace the now redundant zone of SP2 Government Administration and inappropriate R2 zoning of the site with a more appropriate zone that has regard to the residential context of the site and the recently approved building on the site and allows residential uses that are compatible with the flood affectation on the site” (p.26).*

The proposal also states that the:

*“Planning Proposal.....seeks to rezone the site to R4 High Density Residential as it is the most appropriate zone for the site having regard to the residential context of the site, the currently approved building envelope, and the need for a form of residential development that can be designed to comply with requirements for development on flood prone land” (p.5)*

*“The proposal seeks to amend the height and FSR maps to reflect the density and scale of the recently approved building on the site” (p.28)*

The progression of the proposal for Gateway assessment is the outcome of a Rezoning Review decision (RR-2022-26) of the Sydney South Planning Panel's Strategic Planning Panel in December 2022, who determined the proposal to have site specific and strategic merit and should proceed to Gateway determination.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan) was released by the NSW Government in 2018. The Plan contains objectives, strategies and actions which seek to manage growth and change across Greater Sydney over the next 20 years.

**Table 5** provides an assessment of the planning proposal against relevant aspects of the Region Plan.

**Table 5 Regional Plan assessment**

Regional Plan Objectives	Justification
<b>Objective 4</b> Infrastructure use is optimised	<p>This objective recognises the need to maximise the use of existing infrastructure.</p> <p>The proposal is consistent with this objective as it seeks to expand the permissibility of employment generating uses on a site that is well located in proximity to existing public transport infrastructure.</p> <p>The Department also acknowledges that although it is not the primary intent of the proposal, the supporting residential concept plan also demonstrates the potential for the delivery of residential development (with an estimated yield of around 38 dwellings), on a site which is accessible to existing bus and rail services.</p>
<b>Objective 6</b> Services and infrastructure meet communities' changing needs	<p>This objective outlines the importance of delivering the necessary services and infrastructure to accommodate peoples changing needs. The objective also recognises the benefits of the co-location of health services, in supporting collaboration, innovation and accessibility outcomes.</p> <p>The proposal is consistent with this objective as it seeks to expand the uses which can be accommodated within the existing building and the approved future medical centre development, on a site which is located in proximity to existing health services facilities along King Georges Road, and within the South District which is projected to experience a significant increase in the proportion of population aged 65-84 years (57% increase) and 85+ years (85%) by the year 2036.</p>
<b>Objective 7</b> Communities are healthy, resilient and socially connected	<p>This objective is focused on ensuring communities are healthy, resilient and socially connected.</p> <p>Strategy 7.1 of the Plan seeks to 'Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities' through a variety of means, including prioritising opportunities for people to walk, cycle and use public transport, and through the co-location of schools, health, aged care, sporting and cultural facilities.</p> <p>The proposal is consistent with this objective as it will facilitate the co-location of new health infrastructure (with supporting office and business premises) in Beverly</p>



Regional Plan Objectives	Justification
	<p>Hills, on a site which is well located in proximity to existing public transport, schools, retail and health service facilities.</p> <p>The proposal also has the potential to facilitate the delivery of high-density residential development on a site that is accessible to transport, education, retail and health care services.</p>
<p><b>Objective 10</b> Greater housing supply</p> <p>&amp;</p> <p><b>Objective 11</b> Housing is more diverse and affordable</p>	<p>These objectives are focused on the supply and diversity of housing in the right locations to accommodate the needs of Sydney's growing population.</p> <p>In recognition of the subject sites access to existing public transport, social infrastructure, services and quality open space and surrounding low density residential land uses, this proposal is considered consistent with these objectives as the proposed rezoning has the potential to increase the housing supply and diversity potential of the subject site (with an estimated yield of around 38 dwellings including a mix of 1-3 bedroom apartments), supporting the needs of the South Districts growing population and the creation of more liveable neighbourhoods.</p>
<p><b>Objective 14</b> A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p>	<p>This objective recognises the importance of integrating land use and transport to support the delivery of walkable, 30-minute cities.</p> <p>The proposal seeks to facilitate the delivery of employment floorspace (as well as the potential for housing growth and diversity) on a site which is located within proximity to existing public transport, retail, essential services, open space and recreational areas.</p>
<p><b>Objective 22</b> Investment and business activity in centres</p>	<p>Objective 22 highlights the benefits of well-connected and diverse centres, including maximising opportunities to attract higher density and higher amenity residential developments to enhance the vibrancy and support walkable neighbourhoods.</p> <p>The proposal is consistent with these objectives as it seeks to enable the activation and revitalisation of the underutilised site, by facilitating development which will provide employment (or potentially residential opportunities) within proximity to the existing Beverly Hills town centre, which will allow future employees (or residents) to benefit from access to goods and services in the centre as well as nearby transport, open space and recreational areas.</p> <p>As outlined in the proposal, this has the potential to <i>“stimulate business activity and private sector investment within the centre and thereby support the growth and evolution of the centre”</i> (p.29).</p>

Regional Plan Objectives	Justification
<b>Objective 37</b> Exposure to natural and urban hazards is reduced	<p>This objective recognises the importance of avoiding the location of new urban development in areas exposed to natural and urban hazards.</p> <p>The site has been identified in the planning proposal as being flood affected.</p> <p>The Department notes that the proposal is supported by a Flood Impact and Risk Assessment, prepared by Northrop (June 2022), which has identified flood management measures that are required to be implemented to ensure that any potential flood risks can be suitably managed and or mitigated on the site.</p> <p>The Flood Impact and Risk Assessment notes that the <i>“proposed residential flat development is also expected to improve Flood Risk Management for the subject site and neighbouring properties through the introduction of available flood refuge in the upper levels and public awareness (through the preparation of a Flood Emergency Response Plan)”</i> (p.9).</p> <p>Flooding is further discussed in Section 3.4 of this report. Should it be determined that the proposal proceed, conditions of any Gateway determination would require consultation with the NSW State Emergency Service and the Department’s Environment and Heritage branch .</p>

## 3.2 District Plan

The site is located within the South District. The South District Plan (the District Plan), released by the Greater Sydney Commission in March 2018, sets out the planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

**Table 6** provides an assessment of the planning proposal against the relevant priorities and actions of the South District Plan.

**Table 6 District Plan assessment**

District Plan Priorities	Justification
<b>Planning Priority S3</b> Providing services and social infrastructure to meet people’s changing needs	<p>This planning priority seeks to ensure the need to provide services and social infrastructure that meet people’s/communities’ changing needs, now and into the future, including accessible local health services.</p> <p>The South District Plan indicates the district will see a projected increase and highest growth in older people by 2036.</p> <p>Considering this, the proposal is considered consistent with this priority as it seeks to facilitate the delivery of a medical centre with complementary uses, in proximity to existing transport, retail, residential and commercial uses, and will complement the existing health service offerings in the Beverly Hills area, to accommodate the projected needs of District’s growing and ageing population.</p> <p>The proposal will assist to improve the well-being of the local community by increasing access to health services and providing opportunities for jobs growth in the area.</p>

District Plan Priorities	Justification
<p><b>Planning Priority S4</b></p> <p>Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>This planning priority recognises the importance of facilitating the development of healthy, resilient and socially connected communities.</p> <p>Action 10 seeks to:</p> <p><i>“Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:</i></p> <ul style="list-style-type: none"> <li><i>a. providing walkable places at a human scale with active street life</i></li> <li><i>b. prioritising opportunities for people to walk, cycle and use public transport</i></li> <li><i>c. co-locating schools, health, aged care, sporting, and cultural facilities</i></li> <li><i>d. promoting local access to healthy fresh food and supporting local fresh food production”.</i></li> </ul> <p>The proposal is consistent with this planning priority as it seeks to support <i>“additional and broader employment within the recently approved 3 storey [medical centre] building”</i> (refer to p.31 of the proposal). This is, on a site that is located in proximity to other existing health services facilities along nearby King Georges Road, Beverly Hills.</p>
<p><b>Planning Priority S5</b></p> <p>Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>This planning priority is focused on the delivery of housing supply, diversity and affordability.</p> <p>Although it is not the expressed intent of the proposal, the proposal acknowledges that the rezoning of the subject site to R4 Medium Density Residential will provide opportunities for future residential development.</p> <p>The residential concept design prepared by Ionic Management in support of the proposal shows the sites suitability to accommodate approximately 38 dwellings of varying apartment sizes (1, 2 and 3 bedrooms) on the subject site, based on the proposed development controls under the Georges River LEP 2021, consistent with the envelope of the approved DA for medical centre building on the subject site.</p> <p>The proposal is consistent with this planning priority as it will provide an opportunity for infill residential development on land that is accessible to jobs and services in the nearby Beverly Hills town centre, existing public transport, social infrastructure, open space and recreational areas, and in a District where the demand for housing is growing.</p>
<p><b>Planning Priority S18</b></p> <p>Adapting to the impacts of urban and natural hazards and climate change</p>	<p>This planning priority and supporting actions recognise the need to avoid locating urban development and limit the intensification of development in areas expose to natural hazards.</p> <p>The site has been identified as flood affected. As previously outlined in this assessment report, the planning proposal is supported by a Flood Impact and Risk Assessment, prepared by Northrop (June 2022).</p> <p>Flooding is further discussed in Section 3.4 of this report. Should it be determined that the proposal proceed, conditions of any Gateway determination would require consultation with the NSW State Emergency Service and the Department’s Environment and Heritage branch.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. An assessment of the consistency of the proposal with the local plans is included in the following table.

**Table 7 Local strategic planning assessment**

Local Strategies	Justification
Working Together for a better future – Community Strategic Plan 2022-2032	<p>The Community Strategic Plan identifies the communities priorities for the future of the Georges River LGA to 2032. The CSP includes the following goals that are considered of most relevance to the subject planning proposal:</p> <ul style="list-style-type: none"> <li>– <b>Goal 2.1 Our environmentally sustainable practices inspire us all to protect and nurture the natural environment'</b> *Strategy 2.1.3 Prepare for natural disasters such as bushfires and extreme weather events</li> <li>– <b>Goal 3.1 Local jobs and local businesses are supported to grow</b> * Strategy 3.1.1 Support local businesses to help protect jobs and create employment opportunities.</li> <li>– <b>Goal 4.2 Affordable and quality housing options are available</b> *Strategy 4.2.1 Develop policies that encourage a greater supply of housing diversity and choice</li> </ul> <p>The proposal is considered broadly consistent with the aforementioned goals and strategies as it is supported by a Flood and Risk Impact assessment that has considered flood management measures; and seeks to facilitate job creation through the delivery of new employment floor space in conjunction with an existing approved medical centre development (or alternatively, a diversity of housing opportunities), on a site that is accessible to existing public transport and social infrastructure, retail and services in the nearby Beverly Hills town centre, as well as quality open space and recreation areas.</p> <p>It is recommended that the proposal be updated prior to exhibition, to address the consistency of the proposal with the Georges River Community Strategic Plan.</p>
Georges River Local Strategic Planning Statement 2040	<p>The planning proposal is broadly consistent with the vision and planning priorities of the Georges River Local Strategic Planning Statement 2040. In particular:</p> <ul style="list-style-type: none"> <li>• <b>P9. A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes</b></li> <li>• <b>P12. Land is appropriately zoned for ongoing employment growth</b></li> <li>• <b>P20. Development is managed to appropriately respond to hazards and risks S18</b></li> </ul> <p>The proposed amendments to the Georges River LEP 2021:</p> <ul style="list-style-type: none"> <li>• seek to reactivate and revitalise an underutilised site, facilitating job creation by seeking to expand the type (and as a result, the quantum) of employment opportunities that are permissible on the subject site; and</li> <li>• has the ability to facilitate the delivery of a broader range of housing types in the area, located on a site that is in proximity to existing infrastructure and services.</li> </ul>

Local Strategies	Justification
Georges River Local Housing Strategy (August 2020)	<p>The planning proposal is considered broadly consistent with the objectives of the LHS. In particular:</p> <ul style="list-style-type: none"> <li>• <i>Objective 1: Accommodate additional housing growth</i></li> <li>• <i>Objective 2: Coordinate growth with infrastructure</i></li> <li>• <i>Objective 4: Provide greater housing choice and diversity</i></li> </ul> <p>Although it is not the primary intent of the proposal, the proposed R4 zoning of the site has the potential to facilitate the supply and diversity of housing (with an estimated yield of around 38 dwellings) on a site that is well located and supported by existing infrastructure and services.</p> <p>Therefore, this proposal has the potential to contribute to the supply and diversity of housing in the LGA and contribute towards the attainment of the target housing growth.</p>
Draft Beverly Hills Town Centre Master Plan	<p>The Beverly Hills Masterplan first commenced in 2017. It is a council-led plan that aims to provide a clear vision and urban design framework to guide future development, including additional housing, employment, key infrastructure and public domain improvements.</p> <p>The draft Master Plan was on public exhibition from 28 July 2020 to 28 September 2020. It is noted that the exhibited Draft Master Plan (May 2020) identified the subject site as part of a 'Future Housing Investigation Area'.</p> <p>Council is currently considering options for the Beverly Hills Town Centre post-exhibition. The proposal is not considered to be inconsistent with the as exhibited Master Plan.</p>

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant Local Planning Directions (section 9.1 Directions) is discussed in **Table 8** as follows:

**Table 8 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<b>Direction 1.1</b> Implementation of Regional Plans	Consistent	The proposal is consistent with this direction as it gives effect to the Region Plan (refer to section 3.1 of this report).
<b>Direction 1.4</b> Site Specific Provisions	Inconsistent, minor significance	<p>This direction seeks to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal states that it seeks to "provide the additional permitted uses of 'office' and 'business premises' in Schedule 1 of Georges River LEP 2021 to enable the existing building to be usefully occupied, and also allow the approved three storey medical building to accommodate a broader mix of</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p><i>employment generating uses which can serve the local community” (p.55).</i></p> <p>As such, the planning proposal does not seek to introduce further restrictions to the site.</p> <p>The Department is satisfied that the intent of the planning proposal, to expand the uses which can be accommodated within the existing building and the approved medical centre building on the site, is consistent with the requirement of this Direction.</p> <p>It will not restrict any permissible land uses or development standards that currently exist.</p> <p>The proposed site-specific provisions are supported as the inconsistency with the direction is of minor significance.</p>
<b>Direction 4.4</b> Remediation of Contaminated Land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The Department notes that a Detailed Site Investigation has been prepared by EI Australia (July 2022) in support of this proposal (refer to <b>Appendix B</b>).</p> <p>The proposal states that:</p> <p><i>“The investigation included a desktop analysis as well as soil sampling at eight test bore locations and concludes that widespread contamination was not identified at the site and that the site can be made suitable for mixed use commercial, residential and child care uses” (refer to p.46)</i></p>
<b>Direction 5.1</b> Integrating Land Use and Transport	Consistent	<p>The proposal is consistent with this Direction as it seeks to facilitate jobs growth (or potentially an increase in the supply and diversity of housing) on a site that is well located, in proximity to existing transport infrastructure and services.</p>
<b>Direction 5.2</b> Reserving land for public purposes	Inconsistent but justified. Minor significance	<p>This Direction requires that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>The site is currently zoned SP2 for the purposes of public administration. The site was previously used as a Roads and Traffic Authority administration centre for over 40 years. The site was sold by the NSW State Government in mid-2018.</p> <p>Considering the site has not been in Government ownership for close to 5 years and that a development has been approved on the site by Council, the proposal’s inconsistency with this Direction is considered minor. Removing the redundant SP2 zoning will not result in any adverse impact on the Government’s</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		ability to provide public services as the land is no longer in public ownership.
<b>Direction 6.1</b> Residential Zones	Consistent	The proposal adequately responds to the requirements of the Direction as it has the potential to provide for an increase in supply and diversity of housing to accommodate the needs of the South Districts growing and ageing population.

### Consistency with Ministerial Direction 4.1 Flooding

This direction seeks to ensure development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005. It also seeks to ensure LEP provisions that apply to flood prone land that are commensurate with the flood behaviour and consider the potential impacts on and off the land.

This direction applies as the proposal seeks to alter development standards that apply to the site which has been identified as flood affected.

The proposal is technically inconsistent with the Direction, as:

- It seeks to rezone the SP2 zoned portion of the site to R4 High Density Residential; and
- Will permit a range of sensitive residential land uses on the site (centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing), without suitable consideration of effective evacuation and associated risks and impacts.

The Department notes that a proposal may be inconsistent with the terms of the direction if the planning proposal authority is satisfied that the proposed is supported by a flood and risk impact assessment prepared in accordance with the Floodplain Development Manual 2005.

The proposal states that *"The Development Application for the approved medical centre building was accompanied by a detailed Flood Impact Assessment prepared by Northrop which demonstrated that the flood hazard across the subject site in the developed case during the 1% AEP design storm event is generally less than H2 (i.e the second lowest flood hazard) and is safe for large vehicles and pedestrians"* (p.45).

The Department notes the findings of the supporting Flood and Risk Impact Assessment (FIA) prepared by Northrop (June 2022) in support of the 2022 planning proposal submission. The FIA refers to the flood impact assessment also prepared by Northrop (December 2020), which supported the approved medical centre development on the site. The Northrop 2020 flood impact assessment illustrates the existing case flood depth for the 1% AEP and PMF design storm events,



as well as the ARR 2019 flood hazard categories across the subject site and vicinity during the 1% AEP and PMF design storm events (refer to Figures C1 to C4 at **Appendix B**).

The FIA (June 2022) provides an analysis against ministerial direction 4.1 in the context of the residential flat building concept and states:

*“..... development of the subject site has been shown to have the capacity to improve the existing conditions and make the subject site suitable for use from a Floodplain Risk Management perspective by:*

- *Providing a point of refuge above the 1% AEP and PMF design storm events.*
- *The residual flood risk on site can be appropriately managed through the preparation of a Flood Emergency Response Plan prior to occupation of the building. A Flood Emergency Response Summary has been provided in the Flood Impact Assessment (Northrop, 2020) which demonstrates the residual flood risk on site can be managed appropriately.*
- *The proposed development is not expected to result in any unacceptable impacts in adjacent properties during both the 1% AEP and PMF design storm events” (refer to p.11 at **Appendix B**).*

The Department supporting FIA outlines also flood management measures expected to be required on the site, this includes:

- Diversion of the existing Sydney Water Reinforced Concrete Box Culvert where a building is proposed above the existing culvert (or as required by Sydney Water).
- Construction of a flood storage chamber with sufficient capacity to limit off-site impacts and improve site flood behaviour as confirmed via detailed flood modelling – The approved medical centre and concept residential flat building design, both incorporate this element.
- Habitable floors are to be sited at a minimum of the 1% AEP + 500mm or the PMF flood level, whichever is higher.
- Flood impacts in adjacent properties are to be generally consistent with those presented in the Flood Impact Assessment (Northrop, 2020).
- A point of refuge is to be provided within the facility above the PMF event and with enough capacity to support all occupants / tenants reasonably expected to be on-site during a major flood event.
- The basement carpark entry threshold is to be set at a minimum of the 1% AEP level plus a freeboard of 300mm. All other openings to the basement including the carpark intake and exhaust, basement carpark stairwells and lift shafts are to be positioned at or above the PMF flood level.
- The building shall be of robust construction and all structural components below the Flood Planning Level (i.e. the 1% AEP + 500mm) shall be flood compatible. Any building elements sited below the Flood Planning Level shall be constructed using elements that maintain strength and durability when wet, facilitate easy cleaning after inundation and are capable of resisting the forces of floodwater, debris and buoyancy during an event.
- Any structures to be used for the purposes of on-site refuge shall be designed to withstand PMF flood behaviour.
- A maximum of H2 hazard conditions (See ARR 2019 / AIDR) are to be observed in the driveway and carpark during the 1% AEP design storm event to reduce the risk of vehicles becoming buoyant during a major event. If this is not possible, bollards (or similar) are to be installed to ensure vehicles are not washed downstream.
- Preparation of a Flood Emergency Response Plan is required prior to Construction Certificate to manage residual flood risk on site.
- Vertical evacuation from the basement garage into the upper levels is required to ensure evacuation from areas below the PMF is achievable.

The above matters are largely for consideration at any subsequent development application or development stage on the site. The FIA anticipates an updated FIA will be required at any



development application stage for any modifications to the originally approved layout. In addition, it is anticipated that any deviation from the above flood management measures will need to be assessed based on their merit and documented as part of a development application.

As previously discussed, the proposal is technically inconsistent with Ministerial Direction 4.1 with matters unresolved. It is recommended that prior to any finalisation the proposal and relevant technical studies be updated (as required and in consideration of agency comments) to address the following flood matters in the context of potential high density residential development on the site and the land uses permitted in the R4 zone:

- Consistency and/or justification with applicable Direction 4.1 Flooding requirements;
- The full range of flooding events on the site, up to a Probable Maximum Flood (PMF) event;
- Identify and map all flooding hazards associated with the full range of flooding events up to PMF;
- Any flooding impacts which may arise from cut and fill on the site;
- Any flooding impacts (on and off-site) which may arise from development which may occur within a 1% AEP and PMF impacted area of the site;
- Climate change impacts; and
- Evacuation management for the site.

A Gateway condition is recommended to consult with the NSW State Emergency Service and the Department's Environment and Heritage branch

### 3.5 State environmental planning policies (SEPPs)

The Department has considered the proposal against relevant SEPPs as outlined in **Table 9** below.

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

SEPPs	DPE Comment
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The SEPP aims to facilitate the effective delivery of infrastructure across the state.</p> <p>The Department notes that the site has frontage Stoney Creek Road, a state classified road. The SEPP seeks to ensure that new development does not compromise the operation and function of classified roads. The Department notes that potential traffic impacts were addressed as part of the previously approved DA for a medical centre on the site (DA2020/0227).</p> <p>The Department also notes the findings of the Transport Impact Assessment of the potential residential concept scheme which has been prepared by Ason Group (April 2022) in support of the proposal which <i>conclude that</i>:</p> <ul style="list-style-type: none"> <li>• <i>Suitable car parking provisions – in accordance with the DCP – can be achieved on-site</i></li> <li>• <i>The traffic generation arising from the development is less than that previously approved for the site (Refer to Appendix C).</i></li> </ul>

SEPPs	DPE Comment
	<p>Notwithstanding this, any subsequent DA for the site will trigger traffic generating development provisions under this SEPP, requiring referral to Transport for NSW.</p> <p>In light of the above, a Gateway condition is recommended that Transport for NSW be consulted on the planning proposal.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p><u>Chapter 4 Remediation of land</u></p> <p>An assessment against the provisions of the Section 9.1 Direction 4.1 Flooding and Direction 4.4 Remediation of Contaminated Land has been previously provided in <b>Section 3.4</b> of this assessment report.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>This SEPP seeks to encourage sustainable residential development and ensure consistency in the implementation of the BASIX Scheme throughout NSW. The Department notes that any future development application for a residential development on the site will need to demonstrate compliance with the BASIX SEPP.</p>
SEPP No. 65 – Design Quality of Residential Apartment Buildings	<p>This SEPP aims to improve the design quality of residential apartment development in NSW.</p> <p>The Department notes that while it is not the primary intent, the proposal has the potential to facilitate the delivery of housing (estimated at around 38 dwellings) on the subject site (refer to Appendix A). The Department is satisfied that sufficient regard has been provided to the context and residential amenity and that further detailed testing and analysis can be undertaken as part of any future development assessment for the site.</p>

## 3.6 Department Practice Notes

The Department's Local Environmental Plan (LEP) Practice Note PN10-001 'Zoning for Infrastructure in LEPs' (December 2010) is considered of relevance to this proposal. Consideration of the planning proposal against PN10-001 is outlined below.

### PN10-001 – Principle 5.1 – Zone surplus public land as a compatible land use

Practice Note PN10-001 provides guidance to councils on zoning public infrastructure land. Principle 5.1 of PN10-001 provides that:

*“Surplus public land should be rezoned to be compatible with surrounding land uses having regard to:*

- *the nature and character of the subject site*
- *existing adjacent land uses and preferred future uses*
- *regional strategy priorities*
- *availability of services and infrastructure to support new land uses*
- *environmental impacts and risks.*

*An assessment will need to be made on a case-by-case basis to consider the appropriateness of the various adjacent zone types” (Refer to p.5 of PN10-001)*

As previously illustrated in **Figure 7**, land immediately surrounding the site is zoned R4 High Density Residential (to the north) and R2 (to the south, east and west).

The Department has considered the appropriateness of the proposed R4 zoning of the site having regard to:

- the sites status as surplus to government needs;
- the recently approved DA (DA2020/0227) for the development of a 3-storey medical centre with an FSR of 1.4:1 and height of 16 metres on the subject site;
- the existing adjacent land uses and permissibility of the approved future development of the site under these zones;
- the sites location in an existing urban area;
- consistency of the proposal with the Greater Sydney Region Plan; and
- proximity of the site to services in the nearby Beverly Hills Town Centre as well as existing transport infrastructure.

The proposal is considered consistent with this Practice Note as it is seeking to apply a land use zone consistent with the adjacent R4 zoned land (to the north), which under the Georges River LEP 2021 permits (with consent) 'health service facilities'.

## 4 Site-specific assessment

### 4.1 Environmental

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

**Table 10 Environmental impact assessment**

Environmental Impact	Assessment
Biodiversity	<p>The site is located within an established urban area and is not known to contain any critical habitat or threatened species, populations or ecological communities.</p> <p>As such, the proposal is not considered to pose any risk to the existing biodiversity or result in any adverse environmental impacts.</p>
Natural Hazards	<p>The subject site has been identified to be flood affected. An assessment against the provisions of Section 9.1 Direction 4.1 Flooding has been previously provided in <b>Section 3.4</b> of this report.</p>
Built form and density	<p>As previously noted in this report, a DA for a 3-storey medical centre with basement parking for 114 vehicles on the subject site was approved by the Sydney South Planning Panel in February 2021. The approved development has an FSR of 1.4:1 and a 16-metre height.</p> <p>As such, the proposal is seeking <i>“rezone the site to R4 High Density Residential as it is the most appropriate zone for the site having regard to the residential context of the site, the currently approved building envelope, and the need for a form of residential development that can be designed to comply with requirements for development on flood prone land”</i> (refer to p.5).</p> <p>The proposal also states that:</p> <p><i>“The approved medical building on the site establishes a large single format footprint on the site with a 16-metre-high building envelope. It therefore has a form, density and scale which is most commensurate with a residential flat building.</i></p> <p><i>A residential flat building of the same envelope will result in no greater impacts to the surrounding sites when compared with the approved medical centre building on the site.”</i> (p.34)</p> <p>The Department generally agrees with the above. Any future development on the site for a residential flat building would also be subject to the provisions of SEPP 65 as previously discussed.</p>
Traffic and Parking	<p>The Department notes the findings of the Transport Impact Assessment of the potential residential concept scheme prepared by Ason Group (April 2022) in support of the proposal which conclude that suitable car parking provision can be achieved on site, with the likely traffic to be generated considered to be less than that which was likely under the previously approved DA for a medical centre on the site (refer to <b>Appendix C</b>).</p> <p>Notwithstanding this, as the subject site fronts a classified state road, consultation with TfNSW on the proposal is recommended.</p>

## 4.2 Social and economic

The proposal has the potential to generate a variety of positive social and economic benefits for the local area and District. These include increased employment and business opportunities and access to health services facilities in proximity to the existing Beverly Hills town centre, as well as the potential to contribute to the supply and diversity of housing on a site which is well located and accessible to existing transport and social infrastructure, services, open space and recreational areas.

## 4.3 Infrastructure

The site is well located in terms of public transport, in an established urban area with good access to other physical and social infrastructure.

The Department notes that *“there is a Sydney Water stormwater culvert which currently dissects the site and runs diagonally underneath the existing building on the site from the north-eastern corner”* (p.8). While this matter would have been addressed in the assessment of the approved DA for the medical centre on the site, consultation with Sydney Water on the proposal is recommended given that the proposed R4 rezoning has the potential to facilitate residential development on the subject site.

As previously discussed, a Gateway condition is also recommended requiring consultation with Transport for NSW (TfNSW) as part of this planning proposal in light of the site having frontage to a State Classified Road.

## 4.4 Development Control Plan

A site-specific draft development control plan (DCP) has been prepared for the site, which Council intends to exhibit concurrently should a Gateway determination be issued. The draft DCP addresses largely flood related matters and reinforces the ‘Guiding Principles for Flood Management for Future Development of the Site’, as per the Flood Impact Assessment discussed in the Ministerial Direction 4.1 Flooding section of this report.

## 4.5 Community

The Department considers the proposal as ‘standard’ under the new Planning Proposal categories identified in the *Local Environmental Plan Making Guideline* released by the Department in September 2022.

A Gateway condition is recommended for a 20-day community consultation period in accordance with the Department’s LEP Plan Making Guideline (September 2022) should the proposal be recommended to proceed.

## 4.6 Agencies

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

- Transport for NSW
- Sydney Water
- NSW State Emergency Service
- The Department of Planning and Environment’s Environment and Heritage branch (for flooding).

## 5 Timeframe

The Department recommends a time frame 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 for any subsequent Gateway determination issued.

## 6 Local plan-making authority

As previously discussed in **Section 1.6** of this report, on 15 December 2022 the Sydney South Planning Panel, as delegate of the Minister for Planning, determined to appoint itself as the Planning Proposal Authority to finalise this matter under section 3.32(1) of the *Environmental Planning and Assessment Act 1979*.

In light of the above, the Sydney South Planning Panel is not recommended to be authorised to be the local plan-making authority.

## 7 Assessment summary

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

- it is consistent with the relevant provisions of the Greater Sydney Region Plan and the South District Plan
- it seeks to increase employment opportunities in the LGA by expand the uses which can be accommodated within the existing building and approved medical centre building on the site
- it provides for potential housing capacity increase within the Georges River LGA.

## 8 Recommendation

It is recommended the delegate of the Secretary:

- **agree** that any inconsistencies with the Section 9.1 Ministerial Direction 5.2 Reserving Land for Public Purposes is considered justified and are of minor significance
- **note** that the inconsistency with Section 9.1 Ministerial Direction 4.1 Flooding is unresolved and requires further justification.

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

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) Include reference to 'office premises' as a proposed additional permitted use, to accord with the standard definitions in the Standard Instrument (Local Environmental Plans) Order 2006.
  - (b) address the consistency of the proposal with the Georges River Community Strategic Plan (*Working Together for a better future – Community Strategic Plan 2022-2032*)
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made

publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).

Exhibition should commence within 3 months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - i. Transport for NSW
  - ii. Sydney Water
  - iii. NSW State Emergency Service
  - iv. NSW Department of Planning and Environment's, Environment and Heritage branch

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. Prior to any finalisation, the proposal and relevant technical studies must be updated (as required and in consideration of agency comments received during consultation) to address the following flood matters in the context of potential high density residential development and the land uses permitted in the R4 High Density zone:
  - i. Consistency and/or justification with applicable Direction 4.1 Flooding requirements;
  - ii. The full range of flooding events on the site, up to a Probable Maximum Flood (PMF) event;
  - iii. Identify and map all flooding hazards associated with the full range of flooding events up to PMF;
  - iv. Any flooding impacts which may arise from cut and fill on the site;
  - v. Any flooding impacts (on and off-site) which may arise from development which may occur within a 1% AEP and PMF impacted area of the site;
  - vi. Climate change impacts; and
  - vii. Evacuation management for the site.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge the planning proposal authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Given the nature of the proposal, the Sydney South Planning Panel is not authorised to be the local plan-making authority.
7. The timeframe for completing the LEP is 9 months from the date of Gateway determination.



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