



# **Business Paper**

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## **Shire Strategic Planning Committee**

**Monday, 10 May 2021**

**To commence at the conclusion of the  
Extraordinary Council Meeting**

**Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

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**SUTHERLANDSHIRE**

## **ORDER OF BUSINESS**

- 1. OPENING OF MEETING AND WEBCAST STATEMENT**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
- 4. DISCLOSURES OF INTEREST**
- 5. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**
- 6. PRESENTATIONS**
- 7. REPORTS FROM OFFICERS**
  - PLN014-21 Planning Proposal Box Road Car Park Jannali (pg 3)
  - PLN015-21 Planning Proposal for 13 Endeavour Road, Caringbah (pg 49)
  - PLN016-21 Frank Vickery Planning Proposal (pg 75)
  - PLN017-21 Sutherland Shire Gateways Update (pg 99)
  - PLN018-21 Menai Conservation Park Biobanking (pg 125)
- 8. QUESTIONS**
- 9. CONSIDERATION OF BUSINESS IN CLOSED SESSION**
- 10. CONFIDENTIAL REPORTS FROM OFFICERS**
  - NIL No confidential reports are being tabled.

**PLN016-21 FRANK VICKERY PLANNING PROPOSAL**

**Attachments:** Appendix A (under separate cover), [Appendix B](#) and [Appendix C](#)

In accordance with [section 375A](#), this matter requires a planning decision as it involves the exercise of a function of Council under the [Environmental Planning and Assessment Act 1979](#) relating an environmental planning instrument under that Act but does not relate to an order under Division 2A of Part 6 of that Act.

**EXECUTIVE SUMMARY**

- A Planning Proposal has been submitted for 101-151 Port Hacking Road, Sylvania (Frank Vickery Village) seeking to rezone the site from R2 Low Density to R4 High Density Residential and make amendments to allow for additional building height to 26.5m and additional floor space ratio (FSR) to 1.26:1; reduce the minimum landscaped area from 35% to 30%; and to allow retail premises, a recreational facility (indoor) and medical centres as additional permitted uses on the site.
- The site currently provides seniors housing in a low density landscaped setting. The village commenced in 1948 and many buildings are well beyond their useful life. The Planning Proposal will facilitate the redevelopment of the site as a senior's village that meets contemporary standards and expectations.
- The Planning Proposal is considered to have strategic merit because it responds to the needs of Sutherland Shire's ageing population, and aligns with objectives of both the South District Plan and the Local Strategic Planning Statement.
- The Planning Proposal is considered to have site specific merit as it will provide significant housing for seniors in an appropriate location. The concept design demonstrates that the additional height and density can be reasonably accommodated and design issues addressed. Importantly the concept will facilitate the integration of residents with the wider community. The additional uses add to resident amenity and liveability, helping residents to remain independent longer. Issues of design resolution can be controlled through tailored Development Control Plan (DCP) provisions and subsequent development applications.
- Therefore it is recommended that it be referred for a Gateway Determination to enable community consultation.

**REPORT RECOMMENDATION**

THAT:

1. The report 'Planning Proposal for 101-151 Port Hacking Road Sylvania (Frank Vickery Village)' be received and noted.

2. The Planning Proposal for 101-151 Port Hacking Road, Sylvania be referred to NSW Department of Planning Industry & Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, for Gateway Determination, subject to the following:
  - a. The additional permitted uses be conditional on the site being used predominately for seniors housing;
  - b. The total retail component being limited to 1,000 m<sup>2</sup> of gross floor area with the size of any individual retail premises being limited to a maximum of 500m<sup>2</sup>;
  - c. The landscape area requirement remain at 35%.
3. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
4. Subject to a positive Gateway Determination, the Planning Proposal be publicly exhibited in accordance with the conditions of the Gateway Determination and Council's engagement policies.
5. Site specific Development Control Plan (DCP) provisions being prepared to support the Planning Proposal which includes the following:
  - a. An indicative precinct plan to guide a fine-grain design solution including: landscape strategy, building envelopes, setbacks, public site access, parking provision, and integration of the heritage item;
  - b. An indicative 12m setback to Port Hacking Road to protect establish trees and mitigate traffic noise; and
  - c. Additional controls such as a building height plane along the southern boundary to address potential overshadowing to the adjoining low density zone.

## PURPOSE

This report provides an assessment of the merits of a proponent initiated Planning Proposal for 101-151 Port Hacking Road, Sylvania to amend Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) to facilitate the regeneration of seniors housing at Frank Vickery Village.

## BACKGROUND

The subject site, known as Frank Vickery Village, is approximately 5.7 ha in area. It is zoned R2 Low Density Residential and currently provides seniors housing in a low density, heavily landscaped setting. Frank Vickery Village was first opened in 1948, with major redevelopment undertaken in 1984 and minor redevelopment undertaken in 2000. The site is currently occupied by 202 independent living units (ILUs), a 69 bed residential aged care facility (RACF), an administration centre, and a heritage listed house which is used by Lifeline.

The buildings on site are themselves ageing, with building stock ranging from 20 to 60+ years. Many existing buildings no longer meet contemporary expectations and requirements for residential aged care. Some buildings are vacant or have been decommissioned. The site is relatively underdeveloped. It has stands of remnant native trees and mature trees.

The land has a 450m frontage to Port Hacking Road to the east and has a frontage to Bellingara Road to the west. The southern site boundary abuts detached residential dwellings zoned R2 Residential zone, with a R4 High Density Residential zone on the south east corner. Sylvania High School sits to the north west of the site, across Bellingara Road.

## DISCUSSION

### The Planning Proposal

This Planning Proposal is landowner initiated and seeks to facilitate the redevelopment of the site as a high density seniors housing precinct to meet contemporary standards and resident expectations (Attachment A). Specifically, the Planning Proposal seeks the following amendments to the SSLEP2015:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential
- Reduce the minimum landscaped area from 35% to 30%, in line with the requested rezoning from R2 to R4.
- Add a bonus provision to increase the maximum floor space ratio from 0.55:1 to 1.26:1.
- Add a bonus provision to increase the maximum height from 8.5m to 26.5m.
- Allow additional permitted uses including a total gross floor area (GFA) of 1,000m<sup>2</sup> dedicated to retail premises, 3,000m<sup>2</sup> dedicated to recreational facilities (indoor) and 1,000m<sup>2</sup> dedicated to medical centre uses.

The rezoning is required because SEPP (Housing for Seniors or People with a Disability) 2004 (Clause 40) limits seniors housing to 8m in zones where residential flat buildings are prohibited.

It is proposed that the bonus height and floor space be specifically tied to the use of the site for seniors housing, via a site-specific Local Provision in SSLEP2015. The proponent has suggested the following:

*6.23 Frank Vickery Village 101-151 Port Hacking Road, Sylvania*

- 1. The objective of this clause is to allow for the redevelopment of Frank Vickery Village into a modern seniors housing village that also provides for supporting non-residential uses.*
- 2. This clause applies to the land known as Frank Vickery Village and identified as "Area 8" on the Height of Buildings Map and the Floor Space Ratio Map.*
- 3. Despite clause 4.3(2), the height of a building on land to which this clause applies may exceed the maximum height shown for the land on the Height of Buildings Map by an additional 18m if—*
  - a. the building is predominately (or entirely), used for seniors housing;*
  - b. a building located adjacent to the southern boundary of the site and to Bellingara Road provide a transitional scale of building height; and*
  - c. building setbacks to all property boundaries including to Port Hacking Road and Bellingara Road are a minimum of 7.5 metres and comprise deep soil planting including large scale indigenous trees.*
- 4. Despite clause 4.4(2), the maximum floor space ratio for the land identified as "Area 8" on the Floor Space Ratio Map may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by an additional 0.71:1 if—*
  - a. the land is predominately used for seniors housing;*
  - b. a building located adjacent to the southern boundary of the site and to Bellingara Road provide a transitional scale of building height; and*
  - c. building setbacks to all property boundaries including to Port Hacking Road and Bellingara Road are a minimum of 7.5 metres and comprise deep soil planting including large scale indigenous trees.*

The proponent has proposed that the additional permitted uses be achieved through an amendment to Schedule 1 Additional Permitted Uses in the SSLEP2015. The draft clause put forward reads:

- 1. This clause applies to land at 101 Port Hacking Road, Sylvania, being Lot 1, DP 1025954 (also known as Frank Vickery Village) and identified as "31" on the Additional Permitted Uses Map.*
- 2. Development for the purposes of retail premises, recreational facility (indoor) and medical centre is permitted with development consent.*
- 3. The total gross floor area (GFA) of retail premises uses on the land must not exceed 1,000m<sup>2</sup>.*
- 4. The total gross floor area (GFA) of recreational facility (indoor) uses on the land must not exceed 3,000m<sup>2</sup>.*
- 5. The total gross floor area (GFA) of medical centre uses on the land must not exceed 1,000m<sup>2</sup>.*

### Indicative Development Concept Plan

The Planning Proposal is accompanied by an indicative development concept plan (Appendix A) indicating the retention of the existing heritage cottage and 14 new buildings consisting of:

- One four-storey building containing 126 RACF beds;
- Thirteen buildings (varying between three and seven storeys) containing 519 ILUs;
- Four separate single storey basement car parks with a total of 567 parking spaces for residents, employees and visitors; and
- Opportunities for at-grade angle and parallel bay parking spaces.

The key features of the proposal are:

- A north-south connective 'spine' utilising the naturally level topography in the centre of the site;
- A network of streets through the site that is based on the existing street grid around the site;
- Retention of the existing heritage cottage as a focal point;
- Five defined development precincts to contribute to a finer grain village feel;
- A green network of public domain elements including seven key open space/landscaped areas; and
- Varied heights of buildings across the site.

### Strategic Merit of the Planning Proposal

The Guideline for Planning Proposals, issued under section 3.33(3) of the Act, requires the strategic merit of the proposal to be tested by asking will it:

- give effect to the relevant district plan; or
- give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district or local strategic planning statement; or
- respond to a change in circumstances, such as an investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

This assessment is provided under the following subheadings:

#### a) Does the proposal give effect to the South District Plan;

*Planning Priority S3: Providing services and social infrastructure to meet people's changing needs.*

*Objective 6: Services and infrastructure meet communities' changing needs.*

The South District Plan projects a 45% proportional increase in Sutherland Shire residents aged 65-84 (an increase of 19,450) by 2036 and an 85% increase in those aged 85+. This reflects an annual average growth of 1,080 persons aged 65 or over by 2036 at an average rate of 2.2% per annum—well above the projected growth rate for the entire population of 0.5% per annum. The proposal will increase the number of ILUs from 202 to 519 (257% increase), and an increase in the number of RACF beds from 69 to 126 (183% increase).

The planning proposal includes a Demand and Supply Assessment showing that the uplift will respond to the needs of the local ageing population and associated demand for new dwellings. The Planning Proposal has demonstrated that it is aligned with Planning Priority S3.

The proposal includes the co-location of on-site health and social services to meet the expected demand for aged care services, while addressing specific needs for the frail aged and those with dementia. Facilitating retail premises on the site will encourage greater community engagement within the site and provide services that may enhance the liveability of the site and help ageing residents remain independent longer.

*Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities.*

*Objective 7: Communities are healthy, resilient and socially connected.*

The proposal includes a community hub to support social connections within the village and provide opportunities for visitors to interact. The pedestrian through-site link to transport options is to be publicly accessible and will encourage passive connections between pedestrians and residents. This will assist in integrating the site with its location and is consistent with Planning Priority S4.

*Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

*Objective 10: Greater housing supply.*

*Objective 11: Housing is more diverse and affordable.*

The proposal will increase the number of Independent Living Units and contribute to meeting the forecast housing needs of Sutherland's ageing population, while allowing local residents to remain in their local area. The site is in an accessible location close to public transport, the strategic centre of Miranda and the Southgate Shopping Centre.

There are currently 18 retirement villages in the Sutherland Shire providing approximately 1,350 ILUs in total. To meet the forecast demand, analysis undertaken by Ethos Urban found that an additional 440 ILUs will be required in the period up to 2031. This proposal will provide an additional 317 ILUs. The concept supports a more diverse range of seniors housing at differing price points consistent with Planning Priority S5.

*Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage.*

*Objective 12: Great places that bring people together.*



The site requires renewal and the proposal indicates good planning outcomes consistent with the intent of Planning Priority S6 including:

- open space and through site links that will be accessible to the public
- conservation and appropriate use of a heritage cottage
- retention of a remnant ecological community and many mature trees
- additional housing for an aged population, and
- parking that is adaptable to future uses.

**b) Give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district or local strategic planning statement;**

Local Strategic Planning Statement (effective 15 September 2020)

*Planning Priority 9 Community Connections: Strengthen community connections by providing a range of facilities and support for community activities and services to bring people together.*

The layout of the site and proposed additional uses, including a café and a range of recreational uses, will provide opportunities for residents and visitors to socialise, strengthening connections within the village community and the local community.

*Planning Priority 10 Housing Choice: Provide our community with housing choice by making available opportunities for a range of housing sizes and types within each community.*

The proposal will contribute to housing delivery by providing 317 additional dwellings for older people in a supportive, community environment. It will widen the range of housing options for seniors.

**c) Respond to a change in circumstances, such as an investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.**

There has not been any significant investment in infrastructure in the locality. While Sutherland Shire is an ageing community, successive strategies have focused on meeting the needs of this change.

The Strategic Merit test also requires consideration of whether the planning controls are in need of review. Review is considered to be needed if an instrument is more than five years old. The Sutherland Shire Local Environmental Plan was made on 23 June 2015 and a comprehensive review is now underway.

**Site Specific Merits of the Planning Proposal**

The Guideline for Planning Proposals, issued under section 3.33(3) of the Act, requires the site specific merit of the proposal to be tested, having regard to the following:

1. the natural environment (including known significant environmental values, resources or hazards);
2. the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and
3. the services and infrastructure that are or will be available to meet the demand arising from the proposal and any proposed financial arrangements for infrastructure provision.

#### **1. Natural Environment**

##### *Contamination and acid sulphate soils*

The site is listed as containing Class 5 acid sulphate soils (ASS). Council's Environmental Science unit advises that given the proposal will not result in the water table being lowered, no further assessment is warranted at this stage. However, any future development applications will require further assessment of potential impacts on acid sulphate soils particularly to adjacent classes.

##### *Ecological constraints and remnant native vegetation*

There are no threatened ecological communities located on the site. There are a number of identified protected fauna species that were identified as potentially utilising the site, but no evidence was found of the species on the site.

The proposed setbacks preserve the majority of the remnant indigenous trees and mature native trees on site. However, additional trees could be maintained with a more sensitive design. Focusing greatest density towards the southern end of the site will assist in tree retention.

Although the site is not within a Greenweb corridor, the site is directly adjacent to the Greenweb Core and Greenweb support areas of Gwawley Creek and Sylvania High School. It presents opportunities to support this biodiversity corridor by retaining remnant species and replanting locally indigenous species on the site. Any proposed planting works should be reflective of the identified Vegetation Community that currently exists on the site.

##### *Flood risk and stormwater management*

The southern corner of the site is flood prone. The proposed reduction of landscaped area from 35% to 30% is not supported by Council's Stormwater & Waterways Engineering team because it would be accompanied by an increase in impervious area which is likely to adversely affect the water quality in Sylvania Waters and the Georges River. Future development should incorporate water sensitive urban design to reduce the impact of stormwater runoff on Gwawley Bay and the Georges River.

Specific consideration at DA stage will be required in relation to low-lying stormwater infrastructure. The upgrading of existing public drainage infrastructure through the subject site may be required. Future development will need to consider flood emergency response, with shelter-in-place/vertical evacuation the most likely feasible option.

**2. The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are, or will be, available to meet the demand arising from the proposal and any proposed financial arrangements for infrastructure provision.**

Frank Vickery is Sutherland's oldest seniors housing development and the land use is compatible with surrounding low and high density residential development. The Planning Proposal does not involve a change in land use, however, it does request that three additional uses be made permissible on the site through a site specific provision in Schedule 1: retail premises, recreation facility (indoor) and medical centre.

The specific merits of each of these uses in detailed below. Together, the proposed additional uses constitute approximately 7% of the total GFA, which is comparable with the percentage floor space occupied by 'ordinarily incidental and ancillary uses' in other similar developments in Sutherland Shire. The provision of appropriate additional uses can enhance the liveability of the proposed development, especially for those who are less mobile and able to independently access such facilities off-site.

**a. 'retail premises' up to 1000m<sup>2</sup>**

The only permissible retail use in an R4 zone is 'neighbourhood shops', which is limited under clause 5.4 to 80m<sup>2</sup> and is defined as *'premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.'*

Retail premises is a very broad group term and includes food and drink premises, shops and specialised retail premises. The planning proposal argues that 'retail premises' will support the existing and future residents as well as the local community. This gives flexibility to an operator who may wish to be part of the development.

The Planning Proposal limits the total gross floor area of retail premises to 1,000m<sup>2</sup>. While this represents only 1.4% of the total proposed gross floor area, this floor area could accommodate a neighbourhood supermarket (e.g. Coles

Express, Woolworths Metro or IGA Xpress have local examples ranging from 300-1000m<sup>2</sup>). As the subject site is located 1.6km from Westfield Miranda and 1.7km from Southgate Shopping Centre Sylvania, it is already well served by four full line supermarkets. There is also a small shopping village in Sylvania, 800m west of the site, comprising an IGA Xpress, liquor store, butcher, café, take-away shop, chemist and dentist. This shopping village may be experience some impact if the proposed retail uses on site redirect existing trade.

Providing a range of retail premises would provide greater on-site amenity, meeting the needs of residents, employees and visitors without detracting from the site's primary function as an aged-care facility. While out-of-centre retail uses take market share from established centres, for many older residents the journey to local shopping centres may be difficult. Providing on-site options will help residents remain independent longer and enhance liveability. However, if a supermarket were to be established on site it would most likely undermine other centres. Therefore, it is recommended that the Planning Proposal be amended to limit the size of any one retail space to 500m<sup>2</sup>.

b. 'recreational facility (indoor)' up to 3000m<sup>2</sup>

The SSLEP2015 defines a 'recreational facility (indoor)' as: *a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

The proponent is seeking to create a seniors community that is integrated into the wider community. While it is envisaged that any commercial indoor recreation facility would be targeted to the needs of the large population of older residents on site, attracting customers from the wider community would facilitate community integration and assist financial viability. The Planning Proposal limits the extent of the use to 3000 m<sup>2</sup> (4.3% of the GFA). This is comparable with the scale of recreation spaces provided at the Bupa retirement village at Sutherland.

c. 'medical centre'

'Medical centre' is defined as: *premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

The inclusion of medical uses would benefit the residents of the village by offering a more convenient and immediate source of care. The wider community may also benefit from more accessible medical services which may focus on the needs of older people. The planning proposal seeks to limit medical uses to a maximum of 1,000m<sup>2</sup> (1.4% of the total GFA). This is acceptable.

#### *Suitability of the R4 High Density Residential zone*

The planning proposal requests a change of zoning from R2 Low Density Residential to R4 High. The objectives of the R4 zone are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

All forms of residential dwelling are permissible in the R4 zone including residential flat buildings. Community facilities, seniors housing and neighbourhood shops are also permissible uses.

The concept development satisfies the objectives of the R4 zone, particularly by offering a variety of higher density housing types tailored to the needs of older people and people with disability. The indicative built form is consistent with the typical built form of residential flat buildings normally associated with the R4 zone. It also demonstrates that high standards of design, residential amenity and landscape outcomes can be achieved, consistent with the objectives of the R4 zone. The additional uses sought by the planning proposal are also consistent with the objective of providing services and facilities to meet the day to day needs of aged residents.

#### *Impact of increased building height to 26.5m in this locality*

The proposal seeks to change the maximum building height from 8.5m to 26.5m. Current height limits in the R4 zone range from 16m to 25m. The surrounding sites primarily have a maximum height of 8.5m. Sylvania High School has a maximum height of 12m, while the land zoned R4 High Density Residential and IN2 Light Industry to the south have a height limit of 16m. The closest sites with a 25m height limit are in Miranda centre.

The site's large area and its topography allows a sensitive response to current conditions on surrounding sites. The indicative concept plan indicates that the adjoining properties on the southern boundary are not unduly impacted by overshadowing as lower and stepped building heights are indicated on the southern end of the site. This outcome can be assured through appropriate DCP provisions.

The height and FSR requested are well within accepted standards for an R4 zone. The large site area means that it can more readily accommodate sensitively designed, higher density building forms, and allows for transitional building heights to be achieved towards properties zoned R2 on the southern boundary.

*Impact of increased floor space ratio (FSR) to 1.26:1*

The proposal seeks to increase the maximum floor space ratio across the site to 1.26:1. This would result in the overall permissible gross floor area (GFA) of 72,147m<sup>2</sup>, an increase of 40,653m<sup>2</sup> from the current allowable GFA of 31,493m<sup>2</sup>.

The site is very large and has the capacity to accommodate considerably more floor space than is currently permitted. Tree retention within setbacks on the Bellingara Road and Port Hacking Road frontages, the 30m width of Port Hacking Road and the stepped building heights on the southern boundary all contribute to minimising the impact. Retaining a 35% minimum landscaped area will also help offset density.

Careful design of future buildings on the site and setbacks can manage the impacts of additional bulk on the site, impacts on adjoining and nearby sites, and when viewed from the public domain. Recommended DCP provisions can ensure these outcomes are achieved.

*Traffic generation and parking provision*

The concept masterplan submitted with the planning proposal currently includes a total of 541 parking spaces. This is well in excess of the minimum requirement of 147 spaces under the SEPP. The final provision and allocation of parking spaces can be dealt with at the DA stage. There is sufficient capacity within the site and the surrounding road network to cater for the traffic generation and parking associated with the planning proposal.

*Heritage conservation*

The proposal includes the retention of the local heritage item no. 3707 known as Bellingara Cottage. The planning proposal submission includes a Heritage Impact Statement which concludes that the proposal *"will have a positive impact on the heritage significance of the heritage item by removing the intrusive carport nearby and removing other nearby buildings. The viewing curtilage around the heritage item would be expanded and enhanced by wider distances to buildings rising above the floor level of the heritage item, and larger areas of landscaping around the house."* The concept keeps new

buildings reasonably distanced from the heritage item, allowing it to be seen as a house in the round within its landscaped street setting.

Sutherland Shire Council's Heritage Architect concurred with the conclusions of the Heritage Impact Statement, finding that the creation of the 'Heritage Hub' will restore heritage significance and its continued use as a Lifeline centre will conserve its social significance. However, the Heritage Architect expressed concern that the proposed eight storey building east of the heritage cottage would have a negative impact on the cottage and its setting.

### **Use of Site Specific Development Control Plan Provisions**

A Site Specific DCP prepared by Ethos Urban was submitted with the Planning Proposal. This work can be built upon and included within Sutherland Shire Development Control Plan 2016 (DCP). This will help guide the distribution of buildings on site and help mitigate potential impacts. The DCP provisions will specifically address the following:

- Landscape strategy, central green space, permeability and through site link
- Building envelopes and layout
- Setbacks
- Safety and security
- An indicative precinct plan to better define a finer grain approach to place-based design to guide a positive design outcome on the site.
- Increasing the setback along Port Hacking Road from 7.5m to 12m to help mitigate vehicle noise and retain more mature trees.
- Height plane to control the setback along the southern boundary to alleviate the potential impact of overshadowing on properties to the south.
- Total retail component limited to 1000m<sup>2</sup> and individual retail premises limited to 500m<sup>2</sup>.

### **Alignment with Sutherland Shire Community Strategic Plan**

*Outcome 3: Sutherland Shire: a caring and supportive community*

*Strategy 3.1.2 Deliver community services and facilities that respond to the changing needs of our community.*

*Strategy 3.2.3 Provide opportunities for social interaction for our ageing population.*

The proposal will provide dwellings in an environment inclusive of a range of services and facilities to support the needs of an ageing residential population.

### **Alignment with Council's Ageing Well Strategy**

*Care and Support Actions: Actively plan to co-locate services and facilities for the ageing community.*

The proposed additional uses (including medical centre, retail and recreational facility) will co-locate services and facilities with seniors housing.

*Housing Actions: Increase aged housing by increasing permissible building heights and densities for aged persons housing in centres with proximity to transport, shopping and facilities*

The planning proposal is consistent with this action. Public transport is accessible along Port Hacking Road and provides access to Southgate Shopping Village and Miranda centre.

### **Advice of the Sutherland Shire Local Planning Panel**

Planning Proposals are required to be referred to the Local Planning Panel for advice. The Sutherland Shire Local Planning Panel considered this matter on 16 February (attached as appendix B), finding that the Planning Proposal has sufficient strategic merit to warrant referral to the Minister for Planning for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, subject to the following matters being considered and addressed:

1. Ensure the site is used solely for seniors housing with additional permitted uses, height and FSR being contingent on this use.

*Note: The LEP clause has been written to ensure this occurs.*

2. Council's Design Review Forum (DRF) review the Planning Proposal with attention to the derivation of FSR.

*See DRF advice below.*

3. Total retail component limited to 1000m<sup>2</sup> and individual retail premises limited to 500m<sup>2</sup>.

*Note: This can be stipulated in the site specific DCP*

4. The Landscape Area development standard remain at 35%.

*Note: The Planning Proposal can be amended to reflect 35%.*

5. A site-specific DCP be prepared and exhibited with the Planning Proposal

*Note: The site-specific DCP is in preparation and can be exhibited with the Planning Proposal*

6. The site-specific DCP to include:

- a. A maximum building height map.

*Note: Not included as per the advice of the DRF*

- b. A height plane along the southern boundary to address potential overshadowing to the adjoining low density zone.

*Note: This is recommended for inclusion in DCP.*

- c. A 12m setback to Port Hacking Road

*Note: Recommended for inclusion in the DCP, as well as Bellingara Rd, with conditions as recommended by the DRF*

- d. Protection of important bushland and significant trees

*Note: Recommended for inclusion in DCP.*

- e. Public site access

*Note: Recommended for inclusion in DCP.*

- f. Treatment and maintenance of the Heritage Item

*Note: Recommended for inclusion in DCP.*

- g. Car parking provision and treatment

*Note: Recommended for inclusion in DCP.*



- h. Consideration to reasonable infrastructure improvements

*Note: This is a matter for consideration as part of subsequent DAs.*

### **Advice of the Sutherland Shire Design Review Forum**

The Planning Proposal was considered by the Design Review Forum (DRF) on 25 March (attached as appendix C), as per the recommendation of the Local Planning Panel. The DRF critiqued and commented on the feasibility and appropriateness of the nominated FSR of 1.26:1, after taking into account the possible impact of setbacks, building size, siting, separation and height, whilst mitigated via appropriate articulation of form. The DRF made the following comments:

1. The indicated masterplan submitted with the Planning Proposal has inherent built-form and amenity issues including: building separation, bulk and scale, overshadowing, lack of identity.

*Note: These are not issues that must be considered at the Planning Proposal stage and will be resolved through subsequent DAs.*

2. The five nominated precincts should be included in the site specific DCP, and should be defined and articulated to assist future DA submissions by way of a 'character test'.

*Note: This has been recommended for inclusion in the site specific DCP*

3. The proposed FSR of 1.26:1 is likely to be the maximum the site can handle without compromising amenity and quality, irrespective of the bonus FSR provision included in the SEPP (Seniors). Note that the panel does not support additional floor space (beyond the proposed 1.26:1).

*Note: The bonus provisions under the SEPP apply when affordable housing forms a significant part of the development. Council cannot set aside the provisions of the SEPP.*

### **RESOURCING STRATEGY IMPLICATIONS**

Consideration of Planning Proposals and associated amendment Council's planning framework is conducted within the existing budget and resources of the Strategic Planning Unit. Planning Proposal fees offset these costs.

### **COMMUNITY ENGAGEMENT**

No community engagement has yet been undertaken. Council cannot formally exhibit the planning proposal until it receives a Gateway Determination which will also provide the minimum requirements for the exhibition. Community engagement is expected to include:

- Public exhibition of the planning proposal on Council's Join the Conversation website for 28 days with the opportunity for members of the public to prepare submissions in response.
- Publication of an advertisement in a local newspaper prior to the exhibition commencing.
- Exhibition of the planning proposal and supporting documentation at the Sutherland Shire Council Administration Building.
- Notification letters will be distributed to the owners of neighbouring properties.

Non-statutory community engagement has been undertaken by the proponent of the planning proposal. This engagement found that most stakeholders support the proposal to increase the number of ILUs and RACF beds. Current and potential future residents are especially interested in the provision of more modern residential and community facilities, and residents and staff alike desire the retention/improvement of garden areas and the provision of more places to sit and talk, especially a good café that's open to external visitors as well.

### STRATEGIC ALIGNMENT

This report contributes to the delivery of Our Community Plan - Outcome 6 "A liveable place with a high quality of life". It specifically delivers on the following:

Delivery Program (2017-2022) Deliverables	Operational Plan (2020-2021)
6C Support enhanced housing diversity, accessibility and affordability to meet the diverse needs of the community	N/A

### POLICY AND LEGISLATIVE REQUIREMENTS

The Planning Proposal has been assessed against all relevant State Environmental Planning Policies and found to be consistent, subject to amendment.

The Environmental Planning Assessment Act 1979 and Regulations require Council to submit all Planning Proposals for a Gateway Determination before being placed on public exhibition. The recommendations contained in this report will initiate this process.

### CONCLUSION

The purpose of this Planning Proposal is to amend the Sutherland Shire Local Environmental Plan 2015 to facilitate a contemporary Seniors Housing development at Frank Vickery Village. The Planning Proposal is generally consistent with relevant strategic framework of both the State and Council.

The Planning Proposal is considered to have site specific merit as it will significant housing for seniors in an appropriate location. The concept design demonstrates that the addition height and density can be reasonably accommodated and a quality village can be realised. Importantly the concept will facilitate the integration of resident with the wider community. The additional uses add to resident amenity and liveability, helping residents to remain independent longer.

The Planning Proposal is considered to have strategic merit because it responds to the housing demand from Sutherland Shire's ageing community. The changes sought will facilitate delivery of an improved precinct on a site already used for Seniors Housing. This aligns with objectives of both the South District Plan and the Local Strategic Planning Statement.

It is considered that the Planning Proposal has sufficient merit to warrant referral to the Minister for Planning and Public Spaces under Section 3.34 *Environmental Planning and Assessment Act 1979* for Gateway determination.

**RESPONSIBLE MANAGER**

The manager responsible for the preparation of this Report is the Manager Strategic Planning, Mark Carlon.

File Number: 2020/383533



## Report of Meeting

### Sutherland Shire Local Planning Panel

Tuesday, 16 February 2021

6pm

e-Meeting

SUTHERLANDSHIRE

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Sutherland Shire Local Planning Panel16 February 2021

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**PANEL:** Jason Perica (Chair), Julie Savet Ward, Charles Hill, David Corry

**STAFF IN ATTENDANCE:** Manager, Development Assessment and Certification (Simone Plummer) and Manager, Major Strategic Planning (Mark Carlon)

**Disclosures of Interest: File Number: 2015/14239** - There were no declarations of interest.

**Apologies**

There were no apologies

**NOTE**

This meeting was held by way of a teleconference between the Panel members and Council staff due to COVID19 lockdown arrangements.

All interested parties were advised of the changed meeting arrangements and given the opportunity to address the Panel during the teleconference.

The teleconference was recorded, and is available on Council's website.

It should be noted that on this occasion site inspections were limited due to the lockdown requirements. Notwithstanding this, the Panel was able to rely on plans, photographs, reporting and briefings from the Council staff in determining the applications, the subject of the teleconference meeting.

Sutherland Shire Local Planning Panel

16 February 2021

**SSLPP012-21      Planning Proposal Frank Vickery Village**  
**File Number: 2020/383533**

There were no speakers against the proposal.

Speaking for the proposal were Walter Tattersall & Dan West. Other experts from the applicant team were in attendance to answer Panel questions.

**PANEL RECOMMENDATION:**

The Panel is of the opinion the Planning Proposal has sufficient merit to warrant referral to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway determination, subject to the following matters being considered and addressed:

1. Given the Planning proposal and strategic justification is predicated on providing housing for Seniors or People with a Disability, additional permitted uses be regulated through appropriate enforceable provisions to ensure the site is solely used for seniors housing, while allowing ancillary/supporting uses (such as medical centres, service retailing, services, community uses, recreational areas etc. but not separate residential flat buildings), with additional height and FSR being contingent on continuing this use.
2. The final FSR be derived after thorough examination of the built form massing (including siting, building size, setbacks, separation and height), resulting assumed envelope area, then discounted to derive a FSR at an appropriate ratio to provide articulation of form and elements for amenity such as balconies. This should also involve review by Council's Design Review Forum ("DRF") prior to exhibition and settling the FSR standard.
3. The total retail component being limited to 1,000 m<sup>2</sup> and the size of an individual retail premise being limited to a maximum of 500m<sup>2</sup>.
4. The Landscape Area development standard remain at 35%.
5. A site-specific Development Control Plan be prepared and exhibited with the Planning Proposal, and be finalised prior to gazettal of the Planning Proposal (and if this is not possible a provision be included in the Planning Proposal requiring a DCP to be prepared prior to development approval).
6. The site-specific DCP to support the Planning Proposal include the following, as a minimum:
  - A maximum building height map which specifies the various heights permissible in the various precincts across the site;

Sutherland Shire Local Planning Panel

16 February 2021

- A height plane along the southern boundary to address potential overshadowing to the adjoining low density zone;
  - A 12m setback to Port Hacking Road;
  - Protection of important bushland as well as significant mature trees which contribute to overall existing and future desired canopy cover and the overall landscaped setting;
  - Public access within the site and the through-site link;
  - Treatment and maintenance of the Heritage Item;
  - Carparking provision and treatment, particularly at the street level/public domain, to maximise activation and the landscaped setting of the site and buildings.
7. Consideration be given to any reasonable infrastructure improvements around the site likely to be affected by the development (e.g. footpaths/powerlines etc) and any necessary infrastructure upgrades (e.g. traffic lights if needed), and the appropriate mechanism to ensure this is achieved.

The Panel recommends early engagement with TfNSW by the applicant, due to potential impact on a classified road (Port Hacking Road).

**REASON FOR DECISION:**

The Panel generally agreed with the assessment of the Proposal by Council staff, with some refinements as outlined in the recommendation above. The Panel was concerned about the potential loose interpretation of the term "predominantly" seniors housing. Given the whole Planning Proposal, design and justification is based on Seniors Housing, this is what should be required to be provided. Other uses should be ancillary to this use. The proposed FSR seems very prescriptive and warrants further interrogation, including review by Council DRF. The DCP should be exhibited with the Planning Proposal, so the public can visualise the proposal and understand the wider intended range of controls for the site. This should also be finalised prior to gazettal, or at least the first DA. A number of important matters warrant inclusion in this DCP, beyond that recommended by Council staff, and as suggested above.

**VOTES:**

The decision was unanimous.

The Meeting closed at 7.40pm

**Report and Recommendations of the Design Review Forum Panel**  
**Sutherland Shire Council 25 March 2021**

Panel Members: John Dimopoulos, Peter Hill, Peter Brooker

Council Staff: Mark Carlon (Manager Strategic Planning) Ella Roessler-Holgate (Strategic Planner)

Applicant Team: Toby James (Midson Group); Daniel West (Planner); Walter Tattersall & Jay Ng (Wesley Mission); Jenna Keyes (Urban Design); Alister Eden (Architect); John Holland (Landscape Architect)

Project Address: 101 Port Hacking Road, Sylvania

Proposal: Planning Proposal for Frank Vickery Village

**PREAMBLE**

The Panel notes that this is a Planning Proposal submission that has been referred to the Panel by the Local Planning Panel (LPP) for consideration of the nominated FSR of 1.26:1, and appreciates the opportunity to discuss the proposal before determination by the LPP.

A proposal for the site has not previously been reviewed by Council or the DRF.

The site was viewed electronically by the Panel members prior to the meeting.

Issues considered relevant to the proposal are noted below.

DRF Report – Frank Vickery Village - Planning Proposal - 2021



**COMMENTS**

1. The panel acknowledges the effort, time and expertise that has been required to prepare the masterplan.
2. The panel has reviewed the comments from the LPP meeting, requesting that the DRF directly critique and comment on the feasibility and appropriateness of the nominated FSR of 1.26:1, after taking into account the possible impact of setbacks, building size, siting, separation and height, whilst mitigated via appropriate articulation of form.
3. The panel has concerns that the masterplan, as presented, seems to have inherent built- form and amenity issues, e.g. excessive tightness between buildings, uncomfortable scale through proximity of the tallest buildings to the heritage item, significant overshadowing and less than satisfactory amenity of communal open space- which also lack a formal identity in themselves and which seem to not be in any formal geometric relationship with the enclosing built forms, as well as a less than successful deference to the heritage item in the heritage precinct; all of which seem to point to an FSR that would be on the upper limit of creating an appropriate and balanced formal outcome for a village environment.
4. The panel was therefore of the opinion that the proposed FSR of 1.26:1 is likely to be the maximum the site could handle without a compromise in amenity and quality.
5. The Panel was also not convinced through the discussion that this was the most appropriate massing strategy for the site, especially if one acknowledges the organisational concept driver being the Heritage item and the various Village precincts. The current proposal accrues the most bulk and density along a linear central circulation spine, thus challenging solar amenity, which affects the majority of surrounding open space and courtyards, rather than pursuing a higher and stronger boundary edge form along Port Hacking Road up to the site's northern corner. This would in theory allow to lighten the visual and physical bulk along this central main spine and improve solar amenity and scale overall.
6. As a further example to this issue of FSR misappropriation, the panel feels that Buildings D2 and D3 should be re-configured to reduce overshadowing of the common open space to their south. Building D4 may be allowed to be larger, as it has a different relationship to its southern neighbours than D1.
7. The position of Building C3 at the northern tip of the site, may have unacceptable impacts on trees and stone outcrops in the area. The character of the nature precinct may be better served if the bulk was distributed on the other buildings in this precinct.
8. The proposed 12m street setback to Port Hacking Road places pressure upon the interior quality of the central spine/pedestrian experience which may be improved with a more flexible setback parameter, that won't affect tree retention, along the boundary. While trees are no help with acoustic attenuation, the integration of the green 'village' message into the existing exterior surrounding context can be further improved with augmenting the existing screen of well-established trees with more planting. Furthermore, the panel questions the strategy of locating an area of common open space (at E3) to address Port Hacking Road.
9. The issue of acoustic amenity along Port Hacking Road was seen as a crucial driver of design and needs to be addressed no matter what building form is ultimately pursued., but it should be handled prescriptively by a passive architectural strategy, such as mandating that the

DRF Report – Frank Vickery Village - Planning Proposal - 2021

buildings be planned to have the habitable rooms on the quiet side, with circulation spaces and utility rooms on the noisy side. Such planning guidelines will also need to develop the provision of natural ventilation to the apartments (ILU's) alongside the minimisation of acoustic impacts. This would result in the Units facing Port Hacking Road having at least two orientations; no single-orientation units should be facing Port Hacking Road.

10. The panel felt that that the nominated precincts, namely: Heritage Heart / Northern nature / Urban village / Neighbourhood connector / Garden gateway, be included within the site specific DCP and should be defined and articulated by a more fine-grain and curated protocol of design parameters and guidelines to assist future DA submissions to meet a "character test" for each precinct, which the panel considers is not being met by the masterplan in its current proposed building form controls and configurations, reflected by its inability to meet the broad objective of the design statements to generate appropriately scaled and articulated buildings in a landscape setting. In this regard it is recommended that the site specific DCP includes more detail such as the street sections as shown in the Masterplan, in particular showing that the communal courtyards be provided with deep soil suitable for viable planting of large native trees of a scale that suits the buildings.

## RECOMMENDATIONS

1. The submission, still at the conceptual stage, needs to respond in some measure to the matters raised at the LPP meeting, but also, there are a number of strategies that continue to be questionable and which would benefit from further thought and development, based on the above comments, to meaningfully progress the design.

It should be noted that, although the application of the *SEPP (Seniors Living)* allows a bonus FSR for provision of affordable housing, the panel nonetheless believes the masterplan, at the FSR proposed, is at the limit of the site's capacity to provide spaces and buildings that respond with good residential amenity within a garden setting. The panel therefore would not support additional floor space on this site.

John Dimopoulos  
DRF Chair