

Planning Proposal
101-151 Port Hacking Road, Sylvania

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Part 1 – Objectives and intended outcomes

This Planning Proposal is to amend SSLEP2015 to enable the renewal of an ageing seniors housing village that is nearing the end of its economic life and create a contemporary high amenity seniors village, with support services and facilities to provide aged care that meets modern day standards, providing opportunity for residents to age in place and accommodate a continuum of care. The proposal will enable the delivery of additional seniors housing in the form of Independent Living Units and Residential Aged Care Facilities as well as public domain improvements and community facilities that better respond to the strategic context and potential of the site.

The objectives of the Planning Proposal are to:

- Rezone the site and allow additional height and floor space to facilitate substantial development of seniors housing;
- Increase on-site services through the provision of additional permitted uses to support residents and the surrounding community.

The Site

The site is located at 101-151 Port Hacking Road, Sylvania and is known as the Frank Vickery Village. The site sits centrally between two major local centres - Sylvania Southgate Centre approximately 1.4km to the north and Westfield Miranda 2.6km to the south.



Figure 1 **Aerial View**

Source *Nearmap/Ethos Urban*

The site has an approximate area of 5.7ha. It is legally described as Lot 1 in DP1025954 and is irregular in shape. It has an approximate street frontage of 435m to Port Hacking Road and 450m to Bellingara Road. The internal road network, Vickery Drive, connects to the surrounding road

network. The surrounding context is predominantly characterised by residential land uses along with schools, open space, and retail/commercial uses.

The current village comprises 69 residential aged care facility beds (RACF), 202 independent living units (ILUs), community facilities, and an administration centre in buildings ranging from single storey to four storey buildings. The site also comprises a heritage house with a frontage to Bellingara Road which is currently used as the Sutherland Lifeline Centre. It is locally known as Bellingara House. The village is set among a variety of mature trees and soft landscaping.

Current Planning Controls

The key development standards that currently apply to the site, under Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) are:

Table 1: Current controls and provisions applying to the site under the SSLEP 2015

Provision	Existing Control
Zoning and Land Use	The site is zoned R2 Low Density Residential development which permits dwelling houses, community facilities, group homes, places of public workshop and seniors housing.
Height	Development across the site is restricted by a maximum building height control of 8.5m, as measured from natural ground level.
Floor Space Ratio	A floor space ratio (FSR) control has been applied to control density. The maximum FSR that applies across the site is 0.55:1.

Part 2 – Explanation of provisions

This Planning Proposal seeks to amend the SSLEP 2015 to support an uplift in seniors housing. The proposed amendments to the SSLEP 2015 controls include:

- Rezoning the site from R2 Low Density Residential to R4 High Density Residential,
- Including a local provision to increase the maximum floor space ratio from 0.55:1 to 1.26:1 and maximum height limit from 8.5m to 26m via a bonus provision that links the additional FSR and height to the use of the site for seniors housing

The draft local provision proposed to be included in Part 6 Local Provisions, linking the additional height and FSR to the use of the site and design requirements, is:

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, and 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 building is predominately (or entirely), used for seniors housing;*
 - b. any 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.*
- Including additional permitted uses in Schedule 1 to allow the following additional permitted uses on the site: a total GFA of 1,000m² dedicated to retail premises, with the size of any individual retail premises being limited to a maximum of 500m²; 3,000m² dedicated to recreational facilities (indoor) and 1,000m² dedicated to medical centre uses.

Zoning

The R4 High Density Residential zone will allow increased seniors housing in residential flat style buildings. As residential flat buildings are permissible in the R4 zone, this will allow the 8m height limit in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) to be set aside and the building height in SSLEP2015 to apply.

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 (Appendix A) offers 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 R4 zone will allow for development uplift without significant impact on the surrounding area, as the large site area and varied topography enables future development to be appropriately configured.

Additional Height and Floor Space

It is proposed to include a site specific local provision under Part 6 of the SSLEP 2015 to allow for an additional 18m height and additional 0.71:1 FSR on the site **if** the use of the site is predominately (or entirely) for seniors housing. Should the site be predominately developed for seniors housing, this would result in the maximum building height being 26m and the maximum FSR being 1.26:1.

The provision will ensure that any future development application on the site is restricted in terms of maximum building height and FSR if it is not predominantly for the purpose of seniors housing. This provides certainty that despite the proposed R4 zoning of the site, the site would not be developed for residential flat buildings as their height would remain restricted to 8.5m. This outcome is consistent with the intent of the land owner.

Impact of increased building height to 26.5m

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 proposal seeks to permit a maximum building height of 26.5m if the site is developed for seniors housing. The large site area and its topography means that it can more readily accommodate sensitively designed, higher density building forms and allows for transitional building heights to be achieved towards properties on the southern boundary. 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. A site specific DCP is currently being prepared and will be exhibited with this planning proposal.

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

This proposal seeks to increase the maximum floor space ratio across the site to 1.26:1 if the site is developed for seniors housing. This would result in the overall permissible gross floor area (GFA) to 72,147m², an increase of 40,653m² from the current allowable GFA of 31,493m². If development was to take a residential flat building form, the Seniors SEPP, in its current form, permits an additional bonus 0.5:1 FSR on the site.

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 Rd 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. The required landscaped area will also help offset additional 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. Appropriate DCP provisions can ensure these outcomes are achieved. A site specific DCP is currently being prepared and will be exhibited with this planning proposal

Additional Permitted Uses

This proposal intends to amend Schedule 1 (Additional Permitted Uses) to identify the following uses not included in the Land Use Table for the R4 zone - retail premises, recreational facilities (indoor) and medical centres - as permissible with consent. The site will be identified on the Additional Permitted Uses Map.

The proposed amendment includes a gross floor area cap for each of these uses so as to control the total floor area permitted for the additional uses, as follows:

- 1,000m² of retail premises, with the size of any individual retail premises limited to a maximum of 500m²
- 3,000m² of recreational facilities (indoor) and
- 1,000m² of medical centre.

These additional uses are consistent with the objective of providing services and facilities to meet the day to day needs of aged residents. 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 on-site can enhance the liveability of the development, especially for those who are less mobile and unable to independently access such facilities off-site. Specifically permitting these uses on the site can give flexibility to an operator who may wish to be part of the development.

a) 'retail premises'

The only permissible retail use in an R4 zone is '*neighbourhood shops*', which is limited under clause 5.4 to 80m² 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. While out-of-centre retail uses may take market share from established centres, for many older residents the journey to local shopping centres may be difficult. Providing a range of retail premises will 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. The planning proposal limits the extent of retail premises to 1,000 m², and to address the concern that if a supermarket were to be established on site it would most likely undermine other centres, it is proposed that the size of any one retail space is limited to 500m².

b) 'recreational facility (indoor)'

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 be a positive outcome. The planning proposal limits the extent of the use to 3000 m² (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 1,000m² (1.4% of the total GFA).

Site Specific Development Control Plan

A Site Specific DCP is being prepared and will be exhibited with the planning proposal. The DCP provisions will address the following:

- An indicative precinct plan to better define a finer grain approach to place-based design to guide a positive design outcome on the site.
- Landscape strategy, central green space, permeability and through site link
- Setbacks, including increased setbacks along Port Hacking Road to 12m to help mitigate vehicle noise and retain more mature trees.
- Amenity (solar access, visual and acoustic privacy, safety and security)
- Heritage

Part 3 – Justification, outcomes, and process for implementation

Section A – Need for the planning proposal

Q1 – Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal has been informed by a comprehensive Urban Design Analysis, other technical studies and reports commissioned by the landowner (refer to Appendices attached). The proposal has also been considered by the Sutherland Shire Local Planning Panel and the Design Review Forum (see minutes attached as Appendices S and T). While this Planning Proposal responds to the strategic context and framework for the site, the proposed development standards are not directly informed by any strategic plan or policy. Rather, the proposal seeks to address the site's unrealised potential for modern day seniors housing in-line with the greater strategic planning framework for the area and deliver an improved built form outcome on the site, together with public benefits. These outcomes align with Sutherland Shire Local Strategic Planning Statement as discussed in Section B.

Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

Yes. The Planning Proposal is the best means of achieving the objectives and intended outcomes for the site. The proposed rezoning, height and FSR, and additional permitted uses are not permissible under the current LEP and SEPP Seniors works against the intended outcome given the current zoning of the land.

Section B – Relationship to the strategic planning framework

Strategic Merit

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

This is addressed under the following subheadings:

Greater Sydney Region Plan: A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission finalised *the Greater Sydney Region Plan: A Metropolis of Three Cities*. The Plan presents a strategy for managing growth and change and intends to guide infrastructure delivery over the next 40 years. The Plan has been prepared in conjunction with the NSW Government's *Future Transport Strategy 2056*.

The proposed amendments to the SSLEP 2015 will support and facilitate the direction of the Greater Sydney Region Plan. Specifically, the site will:

- Maximise opportunities for seniors housing and related land uses without significant impacts on the environment;

- Increase the diversity of dwelling types to support the population's changing needs and community wellbeing on an existing site, in an accessible location;
- Support social and community wellbeing and resilience through an increase in support services;
- Build on the site's location in close proximity to Miranda Centre and Southgate Sylvania by providing improved community connections and support the establishment of an integrated community.

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 Demand and Supply Assessment (Appendix H) shows that the proposed uplift responds to the needs of the local ageing population and associated demand for new dwellings.

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 will 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 (Appendix H) 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.

Local Strategic Planning Statement (effective 15 September 2020)

PP9 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 for the site, possibly 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.

PP10 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.

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.

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

Response to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing controls?

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 merit

Natural Environment

Contamination and acid sulphate soils

The site is listed as containing Class 5 acid sulphate soils (ASS). Council's Environmental Science Unit has advised that given the proposal will not result in the water table being lowered, no further assessment is warranted at this stage. 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. 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 on site.

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.

Flood risk and stormwater management

The southern corner of the site is flood prone. 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. Development will need to consider flood emergency response, with shelter-in-place/vertical evacuation the most likely feasible option.

Existing uses, approved uses and likely future uses in the vicinity

Frank Vickery is Sutherland's oldest seniors housing development and comprises 69 residential aged care facility beds (RACF), 202 independent living units (ILUs), community facilities, and an administration centre in buildings ranging from single storey to four storey buildings. The site also contains Bellingara House, a heritage house with a frontage to Bellingara Road, which is currently used as the Sutherland Lifeline Centre. The village is set among a variety of mature trees and soft landscaping.

The surrounding context is predominantly characterised by residential development, with schools, open space and retail / commercial uses. Residential development to the east, north and west of the site generally comprises low density residential dwellings, with the Sylvania Southgate Shopping Centre located 1.4km from the site. Sylvania High School is located on the western side of the site. Amongst residential development, the Sylvania Bowling Club is located approximately 800m from the site.

To the immediate south of the site is low density residential dwellings and land zoned R4 high density residential on the corner of Box Road and Port Hacking Road. Low rise residential flat buildings are located on this corner. Beyond this is a large area of land zoned IN2 Light Industrial and the HammondCare Aged Care Facility (at 19 Kiama Street, Miranda) which is zoned R3 Medium Density Residential.

Future land uses in the vicinity are likely to remain the same, with some increase in the number of dual occupancy and small villa and town house developments in proximity to the Frank Vickery site.

Traffic generation and parking provision

Wesley Mission is a social housing provider and as such, the proposed development requires 147 parking spaces under the Seniors SEPP. A total of 584 off-street parking spaces would be required for the proposed development if the planning proposal was not made by a social housing provider. The

Urban Design report indicates the provision of 567 car spaces in basement car parks plus additional angle and parallel bays along internal roads.

There is sufficient space on neighbouring streets to accommodate additional traffic generation. As indicated in the Traffic Report, one of the combined entry/exit driveways on Port Hacking Road will be permanently removed and the existing combined entry/exit driveway on Bellingara Road will be relocated opposite Camden Street. This intersection is proposed to be upgraded to a four-leg roundabout. This proposed reconfiguration will improve traffic flow in neighbouring streets. For more detail refer to Appendix J.

Heritage Conservation

The local heritage item no. 3707 known as Bellingara Cottage will be retained. 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. The creation of the 'Heritage Hub' will restore heritage significance and its continued use as a Lifeline centre will conserve its social significance.

The Heritage Impact Statement 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."*

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement or another endorsed local strategy or strategic plan?

The proposed amendments have been considered with regard to Council's draft Local Strategic Planning Statement and community strategic plan. While the strategies do not present specific outcomes for the site, the Planning Proposal has regard to Council's vision and objectives to ensure any future redevelopment aligns with the Sutherland Shire's priorities and actions. In particular it will improve local housing choice and respond to the needs of our ageing community.

Q5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out below.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes. This SEPP applies as the proponent is proposing (continued) use of the site as seniors housing.	Yes. The Planning Proposal is consistent with the Seniors Housing SEPP.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Infrastructure) 2007	Yes. This SEPP applies as <i>Subdivision 2.102 Impact of road noise or vibration on non-road development</i> is relevant as the subject site is located on Port Hacking Road, which has an annual average daily traffic of more than 20,000 vehicles.	The Planning Proposal does not address the SEPP (Infrastructure) 2007. Road noise mitigation can be addressed at the development application stage. Reasonable setbacks are proposed which will assist mitigation of noise.
State Environmental Planning Policy (State and Regional Development) 2011		
State Environmental Planning Policy No 19—Bushland in Urban Areas	None. SEPP 19 does not apply.	
State Environmental Planning Policy No 21—Caravan Parks	None. No specific relevance to this proposal.	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	None. No specific relevance to this proposal.	
State Environmental Planning Policy No 36—Manufactured Home Estates	None. SEPP 36 does not apply.	
State Environmental Planning Policy No 47—Moore Park Showground	None. SEPP 47 does not apply.	
State Environmental Planning Policy No 50—Canal Estate Development	None. SEPP 50 has no specific relevance to this proposal.	
State Environmental Planning Policy No 55—Remediation of Land	None. SEPP 55 has no specific relevance to this proposal.	
State Environmental Planning Policy No 64—Advertising and Signage	None. SEPP 64 has no specific relevance to this proposal.	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	None.	No provisions of the Planning Proposal affect a future DA's ability to comply with SEPP 65.
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	None. SEPP 70 has no specific relevance to this proposal.	
State Environmental Planning Policy (Affordable Rental Housing) 2009	None. SEPP (Affordable Rental Housing) has no specific relevance to this proposal.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	None. No provisions of the Planning Proposal affect the environmental performance characteristics of residential dwellings.	
State Environmental Planning Policy (Coastal Management) 2018	None. SEPP (Coastal Management) does not apply.	
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	None. This SEPP has no specific relevance to this proposal.	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	None. No provisions of the Planning Proposal affect exempt and complying development policy.	
State Environmental Planning Policy (Koala Habitat Protection)	None. SEPP does not apply.	
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes. This SEPP applies as the proponent is proposing to clear vegetation for development on the site. If vegetation clearing exceeds the 0.25ha threshold, the SEPP requires a Biodiversity Development Assessment Report.	No provisions of the Planning Proposal affect a future DA's ability to comply with the SEPP. Remanent bushland is proposed to be preserved and this will be enforced through DCP provisions.

Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. An assessment of the Planning Proposal against applicable section 9.1 Directions is set out below.

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	The proposal does not affect land zoned for any of these purposes.
2 Environment and Heritage	
2.1 Environmental Protection Zones	The site is not subject to any environmental constraints mapped under the SEPP.
2.2 Coastal Protection	The site is not mapped as containing land identified as 'coastal wetlands', 'littoral rainforest', or proximity to either on the 'Coastal Wetlands and Littoral Rainforests Area Map'.
2.3 Heritage Conservation	The site contains a heritage item known as item 3707 under Schedule 5 of the SSLEP 2015. A Heritage Impact Statement has been prepared by NBRS Architecture and is included at Appendix I. The Statement confirms that the proposed renewal and redevelopment of the site would retain and conserve the heritage item within the village. NBRS Architecture note that the proposal will have a positive impact on the heritage significance of the item by removing the intrusive carport nearby and other buildings to allow for improved viewing and curtilage around the heritage item. Further discussion is provided in Appendix I.
2.4 Recreational Vehicle Area	The proposal does not make provision for recreational vehicles.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The proposal has been prepared to directly respond to the objectives and provisions of this direction:</p> <ul style="list-style-type: none"> • The proposed amendments will enable the development of additional seniors housing that will allow residents to age in place, while meeting the needs of the existing and future population; • The proposal will make the most efficient use of infrastructure and its locality through aligning the applicable development standards to ensure future development supports seniors and the surrounding community alike; • The site responds to the environmental conditions and will not result in any adverse environmental impacts; • The proposed Masterplan and Indicative Site Plan at Appendix A illustrates how it is possible to deliver an improved built form outcome and high quality design on the

	<p>site which will be reinforced and refined through any future detailed applications; and</p> <ul style="list-style-type: none"> • The application demonstrates that it is possible to provide additional infrastructure on the site to support the ongoing development of the area and contributed to the quality of life for future residents.
3.2 Caravan Parks and Manufactured Home Estates	Does not relate to the application.
3.3 Home Occupations	No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	<p>This Direction applies due to this Planning Proposal relating to a residential zone. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> • Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and • The Right Place for Business and Services –Planning Policy (DUAP 2001). <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide residential accommodation in an area well serviced by public transport. While the increased capacity on the site will result in additional traffic generation, the Traffic Impact Assessment prepared by Varga Traffic Planning and included at Appendix J, confirms that there will be no impact to the operation of key intersections surrounding the site or access arrangements.</p>
3.5 Development Near Licensed Aerodromes	Does not relate to the proposal.
3.6 Shooting Ranges	Does not relate to the proposal.
4. Hazard and Risk	
4.1 Acid Sulfate Soil	The site is classified as Class 5 Acid Sulfate Soils. While it is noted that the proposed amendment does not result in any change in use, the future development application will be accompanied by an Acid Sulfate Soils Management plan to ensure the site can be made suitable for the proposed redevelopment.
4.2 Mine Subsidence and Unstable Land	The site is not identified as mine subsidence or unstable land.
4.3 Flood Prone Land	The southern corner of the site is flood prone. This planning proposal is consistent with this Direction in that it does not rezone land to a residential zone or impose additional flood related development controls on the land. While it does propose to permit a significant increase in development on

	the site, the proposed development is not intended to be located in the flood prone part of the site.
4.4 Planning for Bushfire Protection	The site is not identified on land identified for bushfire protection.
6. Local Plan Making	
6.1 Approval and Referral Requirements	This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	The objective of Direction 6.3 is to discourage unnecessarily restrictive site specific planning controls. The Planning Proposal seeks to rezone the site to increase the capacity for seniors housing, while allowing additional services and facilities to support residents and the community alike. While the Planning Proposal will introduce site specific provision under Part 6 of the SSLEP 2015, these provisions have been drafted to ensure any additional capacity is for the purposes of seniors housing only. The Planning Proposal will also be supported by a Site Specific DCP to further guide any new development on the site.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Planning Proposal is consistent with the Metropolitan Plan, as discussed above.

Section C – Environmental, social and economic impact

Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An Ecological Constraints Assessment Report has been prepared by Narla Environmental and is included at Appendix F. The assessment confirms that the renewal and redevelopment of the site can be achieved without resulting in adverse impacts to the flora and fauna identified within the site and in the surrounding area. While it is noted that the northern portion of the site on the corner of Bellingara Road and Port Hacking Road is densely vegetated. DCP provisions will seek to preserve this remanent bushland which is consistent with the concept design. Should any future development seek to clear vegetation above the threshold of 0.25ha, a Biodiversity Development Assessment Report will be prepared.

Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There is a low flood risk on the site. Northrop have undertaken a review of the Council Flood Risk Map for the precinct (Appendix M). The mapping illustrates that the south-eastern corner of the site

is identified as a low risk flood precinct. An overland flow and pipe capacity assessment of the existing piped system along the southern site boundary will need to be carried out as part of the preparation of the Development Application. The intention of this assessment is to ensure an appropriately sized overland swale is provided and no proposed buildings are impacted.

A Preliminary Arboricultural Impact Assessment has been prepared by Arborsafe and is included at Appendix E. The Assessment reviewed 466 trees located at the site and determined the retention value of trees while providing recommendations for the future redevelopment. Trees determined to have a high retention value will be mandatorily retained, while the site specific DCP will ensure overall canopy cover is retained or improved.

Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

An Economic Impact Assessment (EIA) and a Social Impact Assessment (SIA) have been prepared by Ethos Urban and are included at Appendices G and H.

The SIA finds that the proposed amendments will:

- result in an increased provision of appropriate housing and aged care services in a strategic location;
- allow existing Sutherland Shire LGA residents to age in place and meet demand of the growing and ageing population;
- result in an improved way of life and wellbeing for residents and staff by enhancing the dated facilities to meet the modern day standards for aged care;
- result in improved community cohesion through the delivery of community facilities on site; and
- will not result in any adverse negative social impacts that cannot be effectively mitigated.

The EIA finds that:

- The subject site is well suited to support urban renewal and a significant integrated seniors living development;
- Significant growth in the older population will drive demand for ILUs and RACF beds. Over the 16-year period from 2020-2036, the population aged 64 years and over is forecast to increase by a total of approximately 17,230 persons, accounting for 84% of total population growth of +20,540 persons;
- Frank Vickery Village is currently the second largest village in Sutherland Shire with 202 ILUs fewer than Anglicare Woollooware Shores, which has 410 ILUs. The proposed renewal of Frank Vickery Village to 529 ILUs will make it the largest retirement village in Sutherland Shire;
- Assuming market penetration remains constant, demand for an additional +440 ILUs is forecast for the period up to 2031. However, the potential for an increase in the market penetration of around 6% would result in demand for an additional +840 ILUs over the period. Therefore, sufficient demand exists to accommodate an expansion of independent retirement living at Frank Vickery Village comprising an additional 317 ILUs;

- In addition to meeting forecast demand for retirement living and residential aged care, the proposed renewal will also generate significant economic benefits in a time when growth in local employment opportunities and economic stimulus is required.

Section D – State and Commonwealth Interests

Q10 – Is there adequate public infrastructure for the Planning Proposal?

The future redevelopment of the site will be serviced by the existing public infrastructure and services including connections to power, telecommunications, water and sewerage.

Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

Part 4 – Mapping

The proposed amendments to the SSLEP 2015 maps including the Land Zoning Map, Height of Buildings Map, Floor Space Ratio Map and Additional Permitted Uses Map are included Part 4 – Mapping.

Figure 2 Current land zoning map

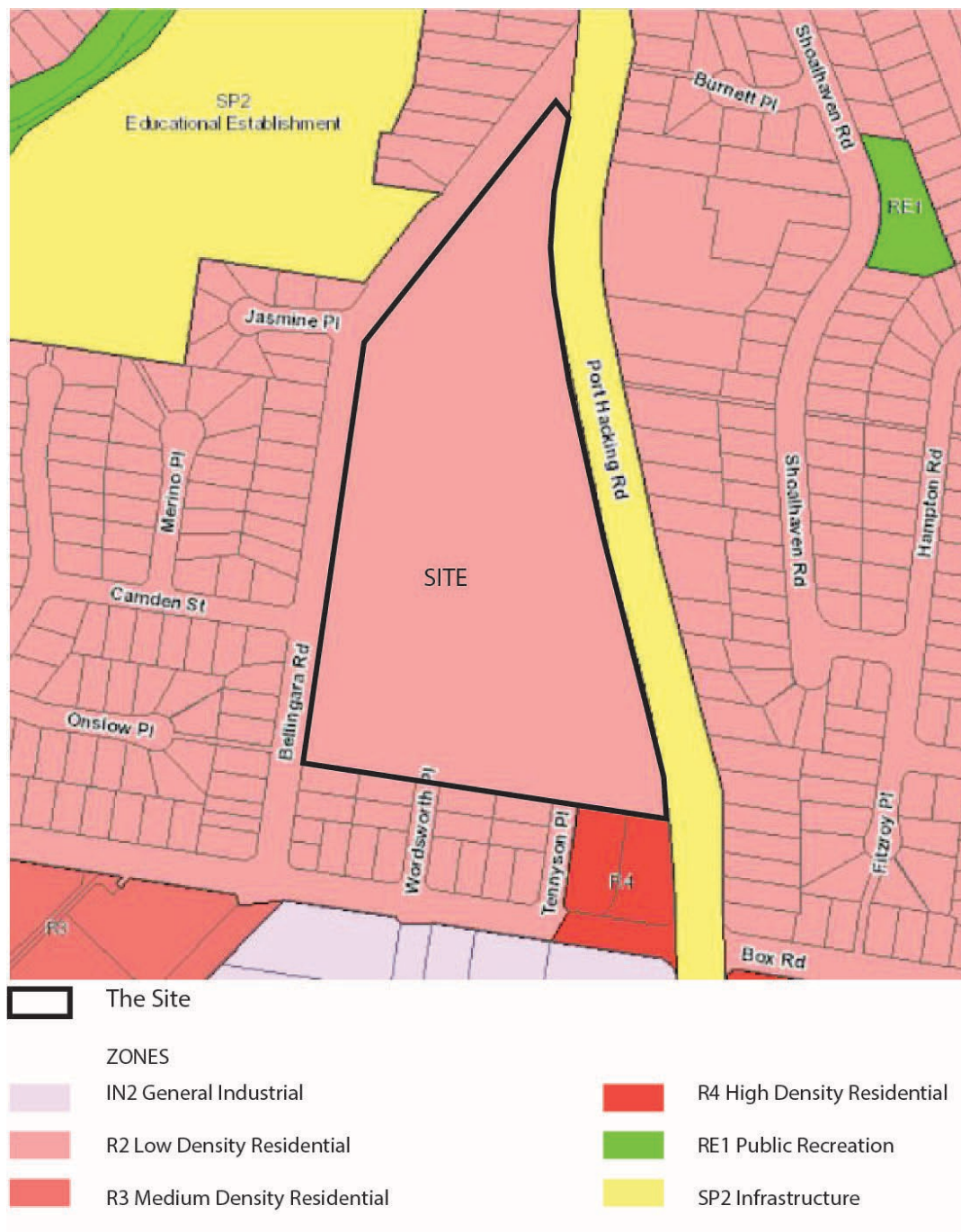


Figure 3 **Proposed land zoning map**

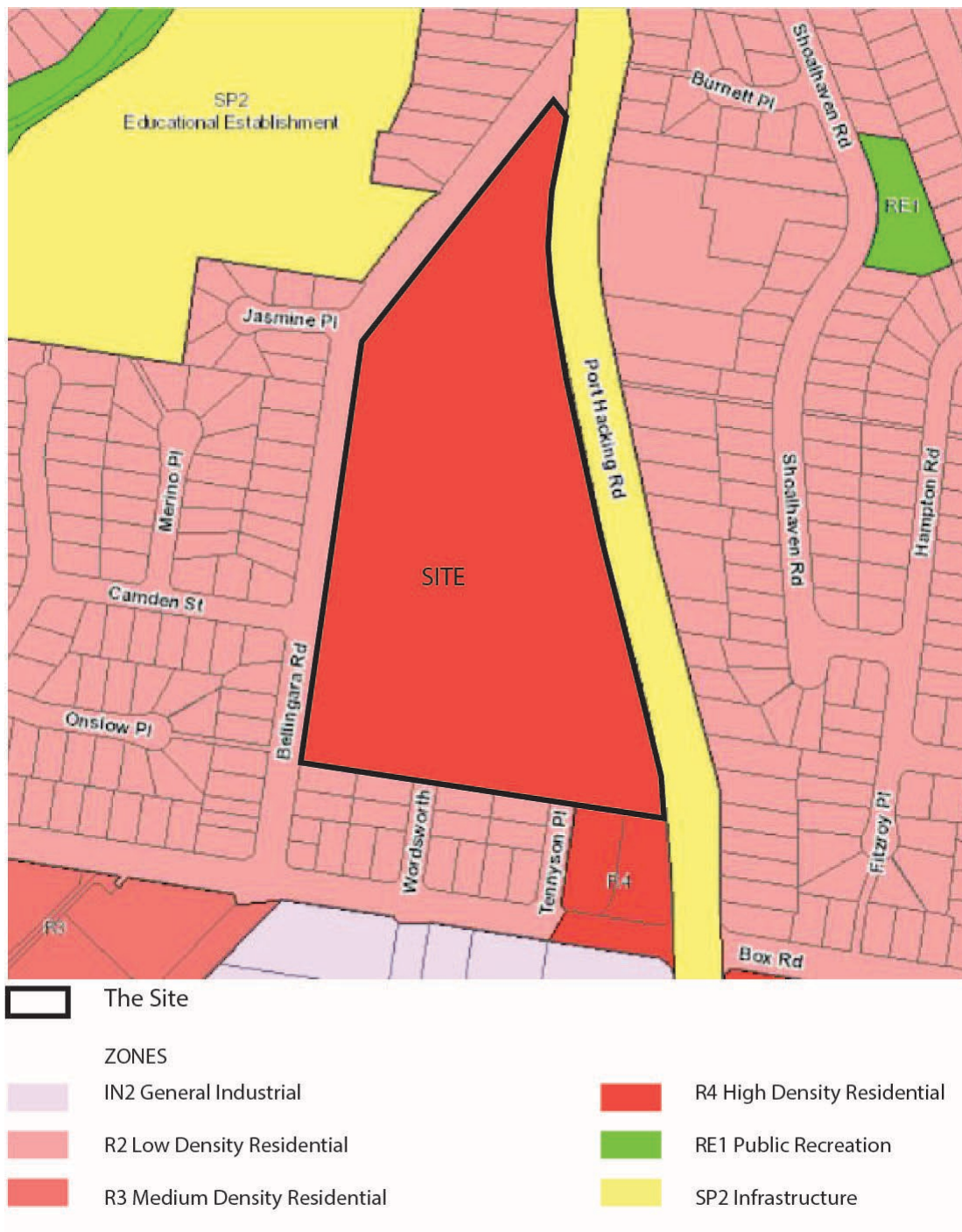


Figure 4 Current floor space ratio map



The Site

MAXIMUM FLOOR SPACE RATIO (n:1)

E	0.55	H	0.7	N	1	P	1.2
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Figure 5 Proposed floor space ratio map



The Site

MAXIMUM FLOOR SPACE RATIO (n:1)



E

0.55



H

0.7



N

1



P

1.2



Refer to Clause X

Figure 6 Current height of buildings map



Figure 7 **Proposed height of buildings map**



Figure 8 Current Additional Permitted Uses map

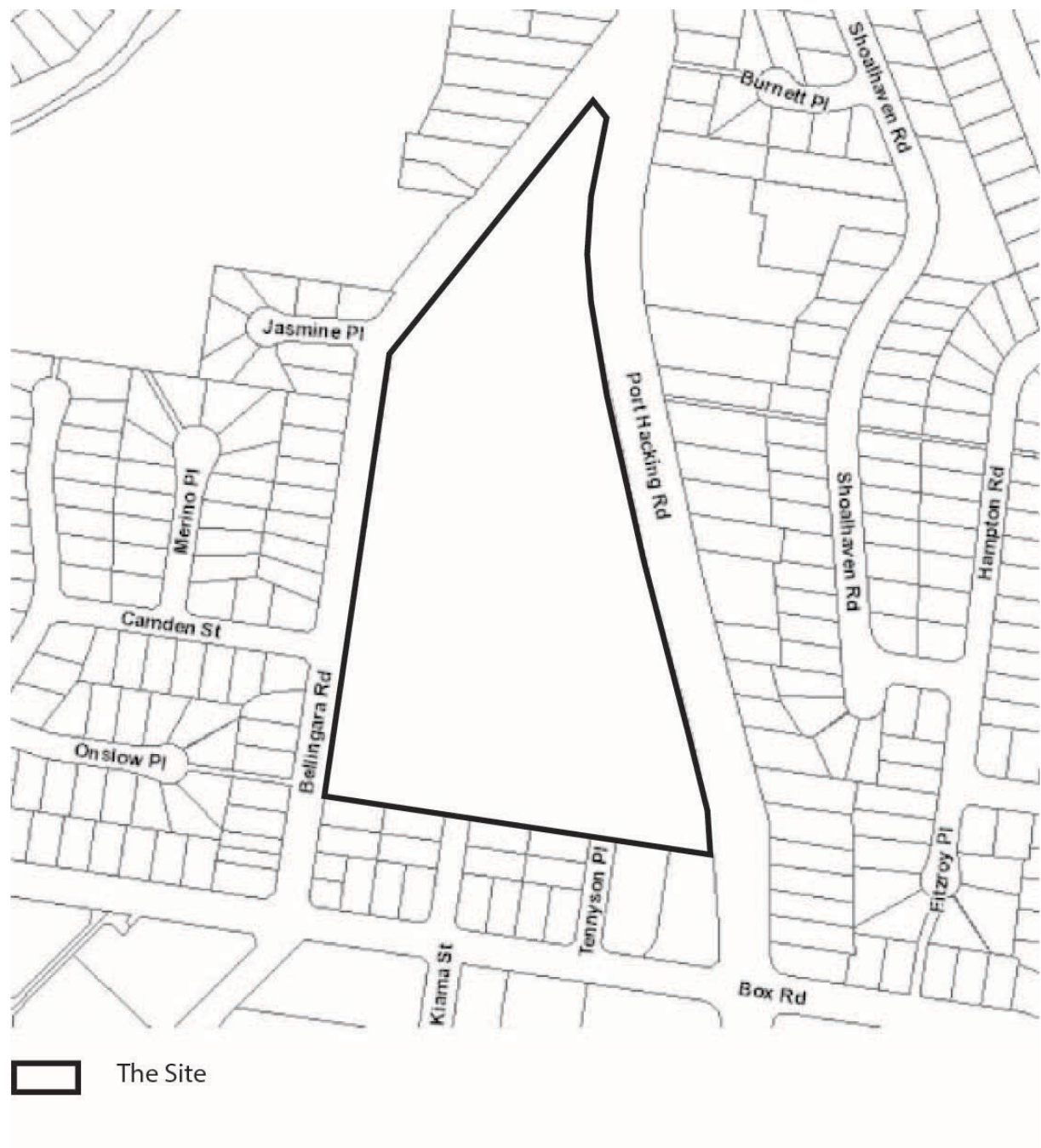


Figure 9 Proposed Additional Permitted Uses map



 The Site

Additional Permitted Uses Map

31 Use of certain land at 101-151 Port Hacking Rd, Sylvania

Part 5 – Community consultation

Engagement by Wesley Mission

Community engagement has already been undertaken for Wesley Mission by Left Field Communications and a Strategic Community Engagement Report is included at Appendix K.

The community engagement that has been undertaken during the preparation of this Planning Proposal has involved:

- Engagement with the wider community through an on-line platform (due to COVID_19 restrictions);
- Advertisement in The Leader;
- Paid two-week Facebook campaign; and
- Printed newsletter and survey distributed to 270 residences allowing those who were not able or willing to participate in the online survey to have their say.

In summary, the results from the community engagement found that:

- Staff currently enjoy being surrounded by gardens and green space;
- Residents enjoy the sense of community and belonging, location and low maintenance homes;
- Residents are looking for respite care and activities for day visitors, improved security and access as well as more interaction with the wider community, larger more modern accommodation and more places to take friends, family and visitors;
- Residents are concerned about the existing and future car parking provision;
- Staff are looking for more places to take friends or visitors to sit and talk, the provision of gardens, trees and landscaped area and a good café that is also open to people from outside the village; and
- There is a high level of concern among residents about what will happen to them during the redevelopment process, highlighting the need for open and ongoing community engagement.

Wesley Mission has indicated that extensive community consultation activities will be continued to be carried out following Gateway Determination. Further discussion is provided at Appendix K.

Council engagement following Gateway Determination

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2016), the Planning Proposal will be exhibited for a period of 28 days.

In accordance with Council’s adopted Community Engagement Strategy, it is proposed that the exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader identifying the purpose of the Planning Proposal and where the planning proposal can be viewed.

Consultation with residents of Frank Vickery Village and adjoining landowners

A letter will be sent to current residents of Frank Vickery Village, and adjoining landowners who may be affected by the planning proposal, in accordance with Council's adopted Community Engagement Policy.

Advertisement on the Council website

The Planning Proposal will be exhibited on the Council consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from Council's the home page.

Direct contact

Interested parties will be able to contact the Strategic Planning Unit of Council directly through a telephone hotline and through a dedicated email address.

PART 6 – Indicative Project Timeline

Milestones	Timing
Gateway determination	July 2021
Exhibition start	August 2021
Exhibition end	September 2021
Review and consideration of submissions	October-November 2021
Report to committee on submissions	February 2022
Council meeting	February 2022
Request for LEP amendment to be prepared	March 2022

Appendix 1: Criteria for Delegation of Plan Making Functions

Local Government Area: Sutherland Shire

Name of draft LEP: Planning Proposal: Frank Vickery Village,

Address of land (if applicable): 101-151 Port Hacking Road, Sylvania (Lot 1 DP1025954)

Intent of draft LEP: This Planning Proposal is to amend SSLEP2015 to enable the renewal of an ageing seniors housing village that is meeting the end of its economic life and create a contemporary high amenity village, with support services and facilities to provide aged care that meets modern day standards, provides opportunity for residents to age in place and accommodate a continuum of care. The proposal will enable the delivery of additional seniors housing in the form of ILUs and RACFs as well as public domain improvements and community facilities that better respond to the strategic context and potential of the site.

Additional Supporting Points/Information: N/A

Evaluation criteria for authorising Council to be the local plan-making authority

	Council Response		Department assessment
	Y/N	Not Relevant	Agree/Disagree
(NOTE-where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)			
Is the planning proposal consistent with the Standard Instrument Order 2006?	Y		
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y		
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y		
Does the planning proposal contain details related to proposed consultation?	Y		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?	Y		
Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions?	Y		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y		
Minor Mapping Error Amendments			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed ?	N		
Heritage LEPs			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/ study endorsed by the Heritage Office?		N/A	
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A	

Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A	
Reclassifications			
Is there an associated spot rezoning with the reclassification?		N/A	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A	
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A	
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		N/A	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		N/A	
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A	
Spot Rezonings			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A	
Does the planning proposal create an exception to a mapped development standard?	Yes		
Section 3.22 matters			
<p>Does the proposed instrument</p> <p>a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbers of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?</p> <p>b) Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?</p> <p>c) Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment of the adjoining land?</p> <p>(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed)</p>		N/A	