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101 Port Hacking Road, Sylvania

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Council Amended Planning Proposal (10 May 2021)
Planning Proposal (25 November 2020)
Council Meeting Minutes (24 May 2021)
Local Planning Panel Meeting Minutes (16 February 2021)
Urban Design Report (17 November 2020)
Survey Plan (25 March 2018)
Visual Impact Assessment (6 August 2020)
Arboricultural Impact Assessment (19 November 2020)
Ecological Constraints Report (25 November 2020)
Economic Impact Assessment (25 November 2020)
Social Impact Assessment (20 November 2020)
Heritage Impact Assessment (25 November 2020)
Traffic Impact Assessment Updated (1 February 2021)
Strategic Community Engagement Report (20 November 2020)
Infrastructure Services Report (25 November 2020)
Civil Investigation Report (12 November 2020)
Access Review (6 November 2020)
Site Specific DCP (25 November 2020)
Owners Consent (25 November 2020)

1 Introduction

1.1 Overview of planning proposal

Table 1 Planning proposal details

LGA	Sutherland Shire Local Government Area
PPA	Sutherland Shire Council
NAME	Planning proposal to amend Sutherland Shire LEP 2015 affecting land at 101 Port Hacking Road, Sylvania (Frank Vickery Village)
NUMBER	PP-2020-1313
LEP TO BE AMENDED	Sutherland Shire Local Environmental Plan 2015
ADDRESS	101 Port Hacking Road, Sylvania, NSW 2224
DESCRIPTION	Lot 1, DP1025954
RECEIVED	7 June 2021
FILE NO.	IRF21/2850
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal seeks to facilitate the development of a seniors housing village with accompanying support services and facilities. The main intention of the proposal is to:

- rezone the site and increase the permissible height and floor space ratio (FSR) to facilitate substantial redevelopment for seniors housing; and
- increase the provision of on-site services through the provision of additional permitted uses to support residents and the surrounding community.

Further details are discussed throughout this report including an accompanying concept scheme which seeks to demonstrate the intended outcome for the site.

1.2 Site description and surrounding area

The subject site otherwise known as the Frank Vickery Village, is located at 101-151 Port Hacking Road, Sylvania within the Sutherland Shire Local Government Area (LGA) and is legally described as Lot 1 in DP1025954 (**Figures 1 and 2**).

The site has an approximate area of 5.7 hectares (ha) and has an irregular shape. The site currently comprises of 1-4 storey buildings, including a residential aged care facility containing 69 beds, 202 independent living units, community facilities, an administration centre and an office for the Sydney and Sutherland Lifeline centre. The site is also home to a local heritage item known as

Bellingara Cottage (item no. 3707 under Schedule 5 of the SSLEP 2015). This one storey federation period cottage is currently being used as the Lifeline Support Unit.

The site is bordered to the east by Port Hacking Road, to the south by Box Road and to the west by Bellingara Road. The site has an approximate 435m street frontage to Port Hacking Road and an approximate 450m street frontage to Bellingara Road. Vickery Drive is an internal road network on the site that helps to connect the site to the surrounding road network.

The site contains a range of vegetation and soft landscaping including 455 trees identified by an accompanying Arboricultural Report which include a variety of mature trees in the northern corner. Other vegetation includes weeds, and smaller native and exotic plants. There is a steep slope from the west to the east of approximately 15m and some sandstone outcrops and escarpments intersecting part of the northern portion of the site.

The surrounding context is also characterised by schools, open spaces, and retail and commercial uses. The village is located adjacent to Sylvania High School by a vegetation corridor which is a continuation of Gwawley Creek. The site is also in proximity to two major local centres, Sylvania Southgate Centre which is 1.4km north and Westfield Miranda which is 2.6km south. 800m south of the site, along Bellingara Road, is another residential aged care and housing facility, Hammond Care Miranda.



Figure 1: Aerial view of subject site

2 Planning Proposal

2.1 Objectives of planning proposal

The objectives of the planning proposal are to:

- renew an ageing village to become a high amenity village that meets the needs of the growing community and changing demographics;
- provide opportunity for residents to age in place and accommodate a continuum of care;
- facilitate a better development outcome that enables an increase in seniors housing that is consistent with the vision for the Sutherland Shire Council and NSW Government;
- improve connectivity with the local community; and
- contribute towards a sustainable precinct.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

2.2 Explanation of provisions

The planning proposal seeks to amend the Sutherland Shire LEP 2015 (SSLEP) per the changes below:

Table 2 Current and Proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	R4 High Density Residential
Maximum height of the building	8.5m	26.5m (If new local provisions are met, otherwise the existing 8.5m height applies) <i>Department Note: Page 4 of the planning proposal appears to incorrectly identify this proposed height as 26m. A Gateway condition is recommended to ensure consistent information is provided for community consultation.</i>
Floor space ratio	0.55:1	1.26:1 (If new local provisions are met, otherwise the existing 0.55:1 FSR applies)
Minimum landscaped area	35%	35%
Local Provisions	N/A	Introduce a new local provision for the site that includes: (1) An objective to redevelop the site for seniors housing (2) The following incentive provisions: (a) additional building height of 18m (to a maximum of 26.5m), and additional FSR of 0.71:1 (to a maximum of 1.26:1) If the buildings: i. are predominately (or entirely), used for seniors housing;

		<ul style="list-style-type: none"> ii. provide a transitional scale at the southern boundary of the site and to Bellingara Road; and iii. are setback at least 7.5 metres to all property boundaries and comprise deep soil planting including large scale indigenous trees.
Additional Permitted Uses (APU)	N/A	<p>The planning proposal document includes to permit the following on the site via an amendment to Schedule 1:</p> <ul style="list-style-type: none"> • retail premises (max 1000sqm GFA) with the size of any individual retail premises limited to a maximum of 500m². • recreational facility (indoor) (max 3000sqm GFA) • medical centre (max 1000sqm GFA) <p><i>Department Note: on 24 May 2021, Council resolved to support the planning proposal with further restrictions, including that the additional permitted uses be conditional on the site being used predominately for seniors housing as noted in the local provision above.</i></p>
Minimum lot size	550 sqm	550 sqm (existing site area – 5.7ha (57,000sqm))
Number of dwellings	202 independent living units (ILUs) 69 residential aged care facility (RACF) beds	519 independent living units (ILUs) 126 residential aged care facility (RACF) beds (including facilities to accommodate dementia patients)

Gateway conditions are recommended requiring:

- the drafted local provision to be removed and replaced with a plain English explanation of the intent of a future local provision. The final wording of any future local provision will be subject to the drafting of NSW Parliamentary Counsel.
- clear reasoning why the proposed mechanism for achieving the objectives of the planning proposal is the most effective method.

The planning proposal is supported by a concept design (Masterplan) seeking to demonstrate the intended future built form and land use outcome for the site. The main vision for the site is as follows:

- the site is intended to accommodate various 'precincts' connected by green spaces and pedestrian circulation routes. Of the five 'precincts', the Masterplan anticipates that 14 buildings are to be accommodated on site in conjunction with the existing heritage item and proposed open space. A precinct strategy (**Figure 3**) has been developed to attempt to articulate a character and vision for each of these precincts.
- the buildings are intended to range in height from one storey to 8 storeys. Taller components oriented primarily to the centre of the site and partially along the eastern frontage of Port Hacking Road (**Figure 2**);
- within the 14 buildings, it is intended that the following ageing accommodation will be provided:
 - 126 Residential Aged Care Facility beds;
 - 519 Independent Living Units;



Figure 2: Proposed indicative built form envelopes

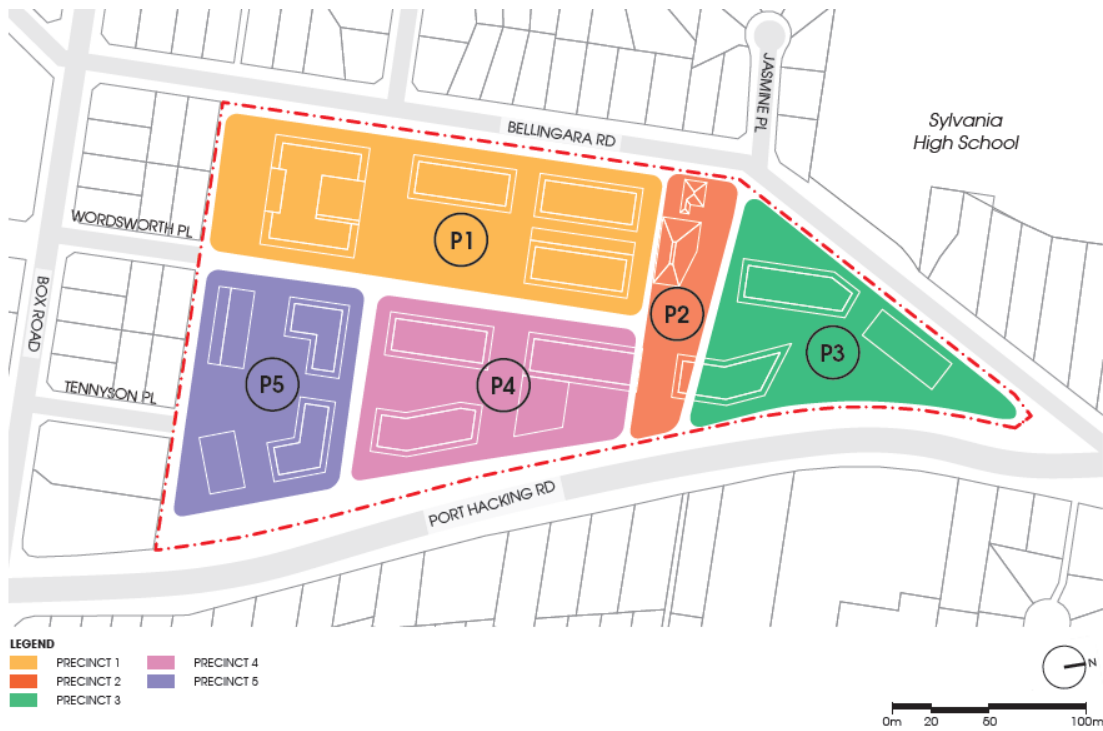


Figure 3: Proposed Precinct Strategy



Figure 4: Proposed indicative Masterplan

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the SSLEP, which are suitable for community consultation.

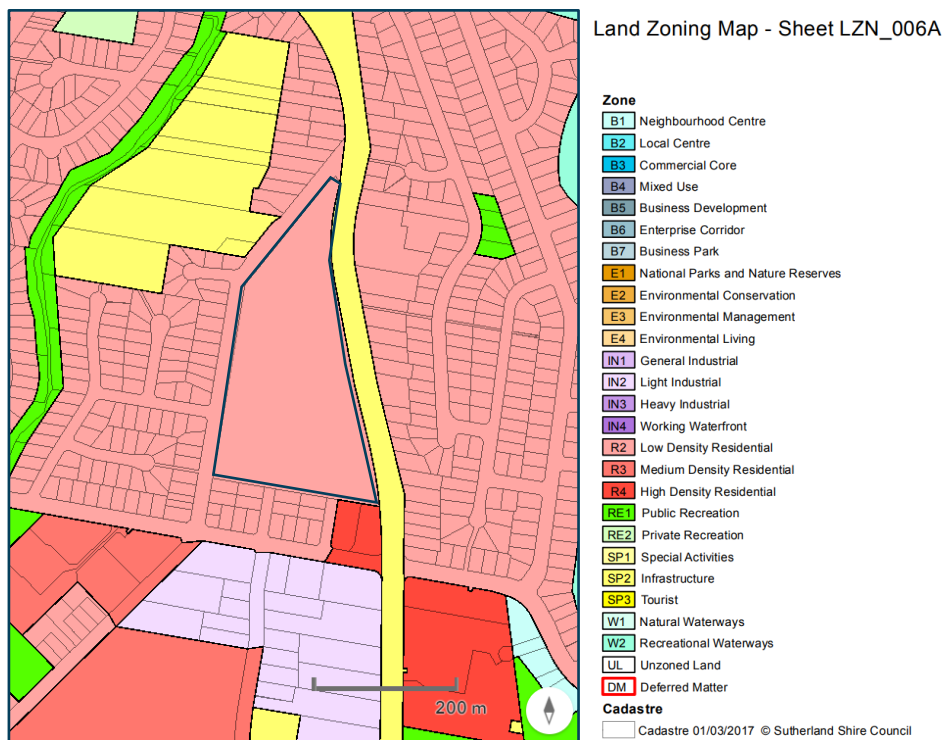


Figure 5: Current Land Zoning Map (Source: SSLEP 2015)

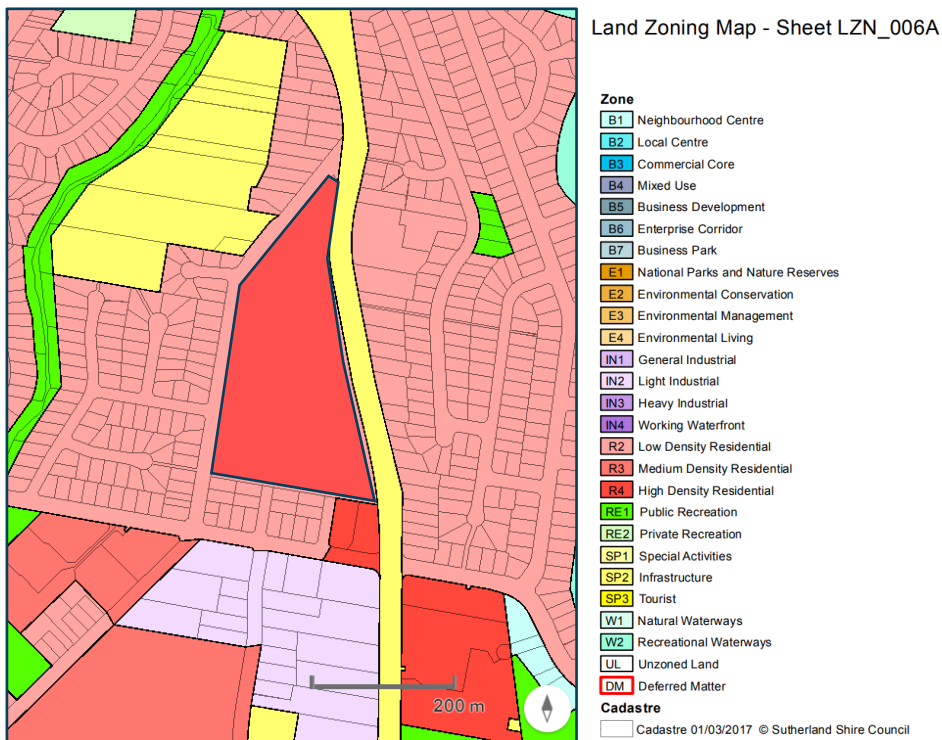


Figure 6: Proposed Land Zoning Map (Source: SSLEP 2015 and DPIE 2021)

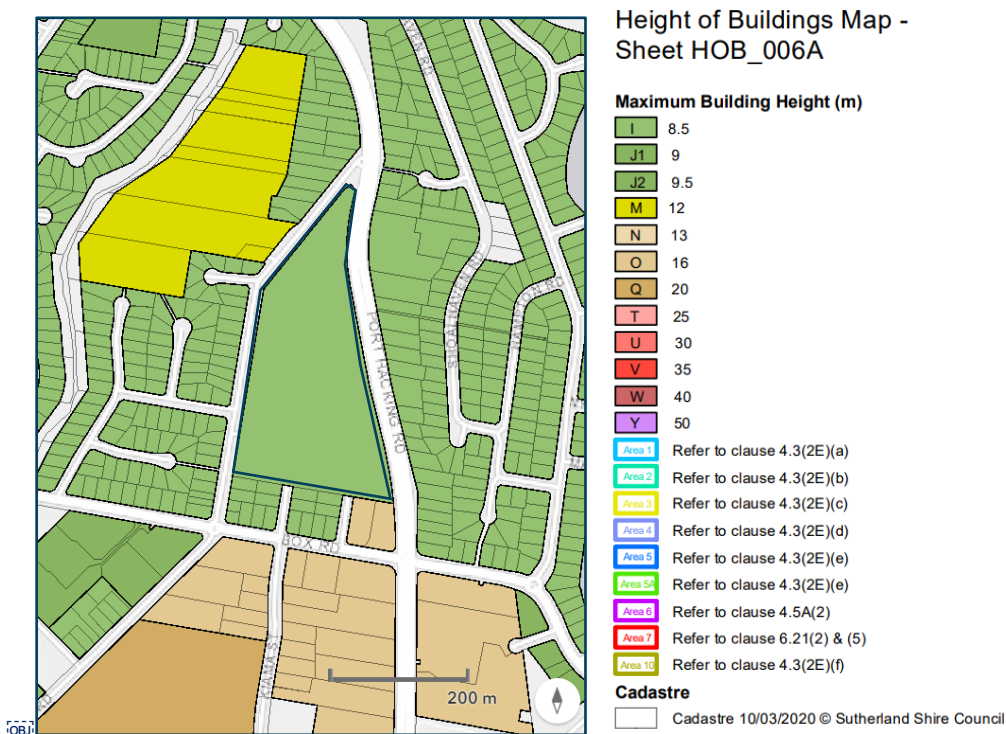
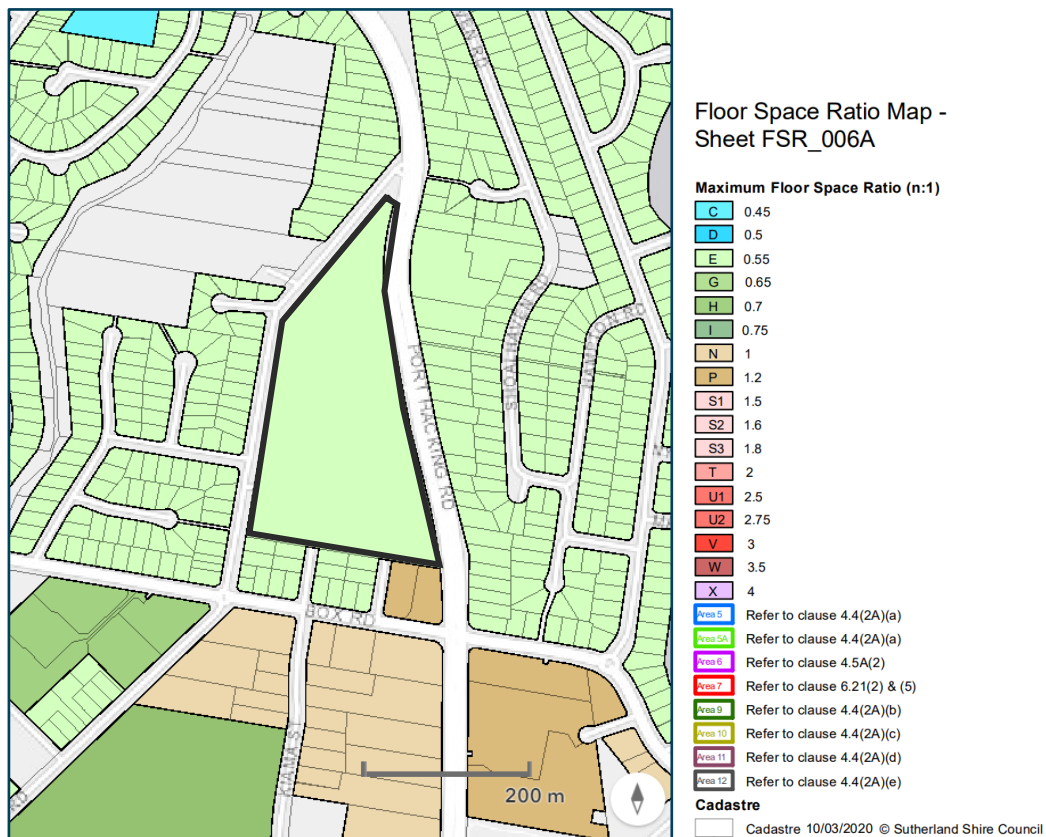


Figure 7: Current Height of Buildings Map (Source: SSLEP 2015)



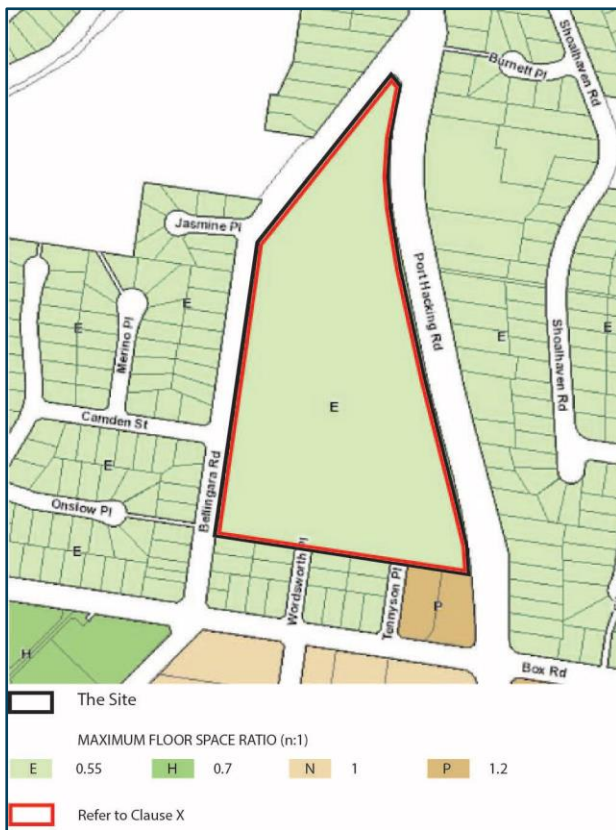


Figure 10: Proposed Floor Space Ratio Map (Source: Planning Proposal)



Figure 11: Proposed Additional Permitted Uses Map (Source: Planning Proposal)

2.4 Background and Planning Proposal History

The subject planning proposal was submitted to Sutherland Council by Ethos Urban on behalf of the site owners Wesley Mission.

Frank Vickery Village (then known as Sylvania Aged Couples Settlement) was opened in 1948. The proposal states that initially, the premises provided self-contained living for couples and the original concept was to assist with the financial needs of the elderly in the community. The proposal states that the existing original brick orchard heritage cottage which was part of the site during its opening in 1948 was the birthplace of the Lifeline service. It has since been re-modelled as a semi-detached cottage and remains occupied by Lifeline Sydney and Sutherland, providing services to residents and anyone across Australia experiencing a personal crisis.

The planning proposal states that the Village has not had a significant redevelopment since 1984 when a building program was approved to take place over four stages, Stage One: for Bellingara Terraces, Stage Two: for Grevillea Court, Stage Three: for Garden Court, and Stage Four: for Sylvania Terraces. In 2000, several additional units (known as Acacia Court) and a village auditorium was approved.

Sutherland Local Planning Panel

On 16 February 2021, the planning proposal was considered by the Sutherland Local Planning Panel (SLPP). At this meeting, the SLPP raised concerns about the “*potential loose interpretation of the term ‘predominantly Seniors Housing’*” and recommended that the planning proposal proceed to Gateway determination subject to the recommendations listed below. Council’s response to each recommendation is also provided.

LPP recommendation	Council response
The additional permitted uses be conditional on the site being used predominately for seniors housing.	<p>Council states that a proposed local provision has been included in the updated planning proposal to outline this requirement.</p> <p><i>Department note – it is not clear from the planning proposal that this the additional permitted uses are dependent on the site being used predominately for seniors housing. As noted, a Gateway condition is recommended to require a plain English statement within the Explanation of Provisions.</i></p>
The total retail component being limited to 1,000 m2 and the size of an individual retail premise being limited to a maximum of 500m2.	<p>Council states that this requirement can be listed in the site specific DCP.</p> <p><i>Department Note – this requirement is included as part of the Explanation of Provisions submitted with the planning proposal.</i></p>
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	<p>Council responds to this by stating that the Sutherland Shire Design Review Panel considered the planning proposal on 25 March 2021 as discussed further below.</p>

Review Forum (“DRF”) prior to exhibition and settling the FSR standard.	
The landscape area requirement remain at 35%.	Council states that the planning proposal is updated to reflect this requirement.
<p>Site specific DCP provisions, being prepared to support the planning proposal which includes the following:</p> <ul style="list-style-type: none"> • An indicative maximum building height map which specifies the height permissible in the 5 precincts proposed in the concept plan. • A 12m setback to Port Hacking Road. • A height plane to control the setback along the southern boundary to address potential overshadowing to the adjoining low density zone. • 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. • 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. 	<p>Council states that most of these requirements are recommended to be included in the site specific DCP noting:</p> <ul style="list-style-type: none"> • The requirement for an indicative height map has not been included as per the advice of the Design Review Panel. • The requirement for infrastructure improvements is a matter for consideration as part of any future development applications.

Early engagement with TfNSW by the applicant due to potential impact on a classified road (Port Hacking Road).

No comment provided from Council.

Sutherland Shire Design Review Panel

On 25 March 2021, the Sutherland Shire Design Review Panel (Design Review Panel) considered the planning proposal. The Design Review Panel provided the following comments with the response from Council noted as well.

Design Review Panel recommendation	Council response
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.	Council state that these are not issues that must be considered at the planning proposal stage and will be resolved through subsequent development applications.
The five nominated precincts should be included in the site specific DCP, and should be defined and articulated to assist future development applications by way of a character test.	Council states that this is recommended for inclusion in the site specific DCP.
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 <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> .	Council states that it cannot set aside the bonus provisions of the SEPP.

Council Meeting

On 24 May 2021, Sutherland Shire Council endorsed the proposal, subject to a number of modifications including:

- the additional uses be conditional on the site being 'predominantly' for the use of seniors housing;
- the total retail component being limited to 1,000m² of gross floor area with the size of any individual retail premises being limited to a maximum area of 500m²; and
- retention of the existing 35% landscaped area requirement for the site.

On 7 June 2021, the planning proposal was updated and lodged with the Department seeking Gateway approval.

3 Need for the planning proposal

The planning proposal states that the renewal of this site responds to the changing demands for ageing in place accommodation options identified by within the Greater Sydney Region Plan: A

Metropolis of Three Cities and the South District Plan. The proposals strategic alignment is addressed in detail within Section 3 of this report.

The planning proposal is not informed by any specific strategic studies however it identifies that *“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.”*

While this is a site specific planning proposal and not a broader change to housing policy for seniors within the LGA, it is noted that the site represents a significant sized property of 5.7ha and provides a unique opportunity in the effective use of older established seniors housing sites. The planning proposal seeks to transition to a more comprehensive aged care facility. This includes offering a continuum of care from independent living through to low and high care infrastructure including dementia facilities and supporting non-residential uses including retail, food and drink premises, medical and recreational uses and publicly accessible through site links.

The SSLEP currently zones the site R2 Low Density Residential, which permits seniors housing and prohibits residential flat buildings. Any redevelopment for seniors housing would be subject to the development standards contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD). Clause 40(4) of SEPP HSPD prescribes a maximum building height of 8m from existing ground to the ceiling (approx. 3 storeys) and 2 storeys at the property boundary for land within a residential zone where residential flat buildings are prohibited.

This proposal seeks to rezone the site to R4 High Density Residential which is a residential zone that permits residential flat buildings that excludes the need for compliance with Clause 40(4) of SEPP HSPD. The proposal also intends to introduce a site-specific provision that only permits building heights and FSRs that are consistent with a high density residential zoning if the site is redeveloped for seniors housing.

The intent of the proposal to increase the density on the site specifically for seniors housing seeks to respond to demographic modelling which anticipates a 45% increase in residents over the age of 65 in the next 25 years. The site which currently provides housing for seniors contains numerous buildings which have been considered beyond their useful life. The proposal seeks to facilitate a redevelopment of the site as a ‘village’ incorporating contemporary standards and expectations.

The site’s history of providing seniors housing for a substantial period of time reinforces the suitability of the location in providing an intensified uplift in housing options to respond to an increasing demand for aged care which facilitates ageing in place options.

4 Strategic assessment

4.1 Regional Plan

The planning proposal is considered to provide strategic alignment with the *Greater Sydney Region Plan: A Metropolis of Three Cities* by maximising opportunities for seniors housing and related land uses without significant impacts on the environment.

The ‘Liveability’ framework under the Region Plan states:

“Planning for the next 20 years involves providing services and infrastructure locally to meet the needs of the growing population and the changes to demographics. This includes health and education services and facilities, as well as accessible neighbourhoods and homes, for an increasing proportion of people over 65 years of age.”

The planning proposal seeks to address this framework by providing a continuum of aged care housing, increased diversity of dwelling types, increased in support services and improved

community connections through the provision of recreation facilities, retail and food and drink premises which are available to the broader community.

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
<p><i>Objective 6:</i></p> <p><i>Services and Infrastructure meet communities' changing needs</i></p>	<p>This objective seeks to provide services and infrastructure to support older people within communities facilitating people being able to age in place.</p> <p>Projected increases of approximately 45% in residents aged 65-84 by 2036 and an 85% increase in those aged 85+ in the Sutherland area are unsustainable based on existing demand and lack of available housing stock in this market.</p> <p>The planning proposal seeks to facilitate greater intensification of the site for seniors housing ranging from various ILU models to high level residential aged care facility (RACF) accommodation. The increase in ILU accommodation for the site is approximately 257% and for RACF 183%.</p> <p>Ancillary to the increase in accommodation options, the proposal seeks to provide a complete village style of development which incorporates on-site health and social services with retail and recreation facilities.</p>
<p><i>Objective 10:</i></p> <p><i>Greater Housing Supply</i></p>	<p>This objective focuses on providing more housing in the right locations supported by the requisite infrastructure and services.</p> <p>Stage 1 of the Department approved Sutherland Local Housing Strategy does not identify any established housing targets or locations for seniors housing. The planning proposal pre-empts these targets based on independent Supply and Demand Assessments undertaken.</p>

4.2 District Plan

The site is within the South District and the Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Liveability	
Planning Priority S3: Providing	The proposal identifies the following details in addressing this Priority:

services and social infrastructure to meet people's changing needs	<ul style="list-style-type: none"> • Provide an increase in seniors housing in an area that is forecast to experience population growth and an increase in aged residents; • Ensure the ageing population can continue to age in place and remain close to family and friends; • Include the co-location of health and social services on site to meet the expected demand for aged care services, while addressing specific needs for the frail aged and those with dementia; and • Support the multi-faceted nature of social networks and connections by providing opportunities for the aged to interact with local schools and communities. <p>The proposal incorporates inclusive aged care accommodation located within a 'village' environment incorporating independent living units to a fully dependent residential care facility with on-site health and social services and ancillary recreational and retail facilities.</p> <p>Facilitating retail premises on the site will encourage greater community engagement within the site and provide services aimed to enhance the liveability of the site and help ageing residents remain independent longer.</p>
Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities	<p>The proposal intends to facilitate a community hub to support social connections within the village and provide opportunities for visitors to interact. The intended pedestrian through-site link to transport options and Sylvania High School is stated to be publicly accessible and will encourage connections between pedestrians and residents.</p> <p>The concept plan also includes community recreation facilities and other services which are to be available to the wider community to encourage interaction and activity within the site.</p>
Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal seeks to facilitate an increase in the number of Independent Living Units (ILU's) from 202 to approximately 519 (257% increase) to contribute to addressing the forecast housing needs identified in the South District Plan of Sutherland's ageing population allowing local residents to 'age in place'. The site is close to public transport providing access to the strategic centre of Miranda and Southgate Shopping Centres.</p> <p>The intensified site seeks to incorporate on-site services and facilities including up to 1000m² of retail GFA, up to 3000m² for indoor recreation facilities and up to 1000m² of medical centre uses. The aim of this is to co-locate on-site health and social services to meet the expected demand for aged care services. The inclusion of retail premises on the site is intended to provide services to enhance the liveability of the site and help ageing residents remain independent for longer.</p>
Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage.	<p>This priority recognises the importance of creating great places that bring people together and conserve environmental heritage.</p> <p>The site currently contains a listed local heritage item identified as item 3707 under Schedule 5 of SSLEP 2015. The heritage item is a one storey federation period cottage that is currently being used as a Lifeline Support Unit. The proposal seeks to retain the listing of this local heritage item and incorporate it into any future development. This is discussed further later in this report.</p> <p>The proposal also seeks to facilitate open space and through site links that will be accessible to the public. Subject to further detailed design, the proposal provides</p>

	the opportunity for improved place making to occur on the site to provide additional benefits to residents and the wider community.
Planning Priority S15: Increasing urban tree canopy and delivering Green Grid connections	<p>The planning proposal is supported by a preliminary arboricultural report which identifies 455 trees that were inspected on the site. This analysis has applied tree retention values to all trees based on a combination of tree attributes. This includes the tree health, structure and form, life expectancy and suitability of the tree in the context of local streetscape.</p> <p>The report acknowledges that the proposal in its current form will impact on some of these trees including requiring likely removal and works within Tree Protection Zones (TPZ's) particularly towards the centre of the site. The report recommends that when considering future design stages, it will be important to obtain arborist guidance as to the permissible extent of encroachment that would still allow for viable tree retention.</p> <p>The supporting draft site specific DCP requires the retention and protection of significant trees with high retention values and significant remnant native trees and bushland. This includes the requirement to contribute to the future desired canopy cover and overall landscaped setting.</p> <p>A large majority of the significant trees are located towards the property boundaries which is where a setback requirement of at least 7.5 metres is currently intended to be included in a local provision. This is intended to require deep soil planting including large scale indigenous trees which responds to the planning proposal retaining the existing 35% requirement for landscaped area.</p> <p>At this stage of the planning process, the extent of information and expected requirements is acceptable to proceed to community consultation.</p>
Planning Priority S16: Delivery high quality open space	<p>The planning proposal seeks to provide opportunities for new open space and through site links that will be accessible to the public. This is highlighted by:</p> <ul style="list-style-type: none"> Improved pedestrian circulation through a pedestrian connection between Bellingara Road and Port Hacking Road and a new loop path around the perimeter of the site. A community lawn area with the potential to cater for a range of activities. <p>The supporting draft site specific DCP specifies the requirements for the delivery of these landscaping aspects along with a range of other matters. This includes requirements for the new site link to be publicly accessible.</p>

4.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Sutherland Shire Local Strategic	<p>Planning Priority 7 – Respecting Local Character</p> <p>The LSPS states: “<i>The landscape character of Sutherland Shire is the combined effect of the many parks and natural areas, large canopy trees and extensive street tree planting,</i></p>

Planning Statement	<p><i>much of which is on wide landscaped verges. Landscaping on private land, particularly around older houses on large lots and those with vegetated foreshore areas makes a crucial contribution”.</i></p> <p>As discussed, the planning proposal is supported by a preliminary arboricultural report which identifies 455 trees that were inspected on the site. Tree retention values have been specified and draft controls developed for consideration as part of future development applications. This information provides an appropriate base to guide future detailed design for the site and ensure appropriate tree canopy coverage is retained and built upon.</p> <p>Planning Priority 8 – Open Space and Sporting Needs</p> <p>The LSPS identifies the need for provision of open space and facilities which continue to increase in demand as density increases across the LGA. The renewal of this site includes provision of open space and a range of recreation facilities.</p> <p>Planning Priority 9 – Community Connections</p> <p>The additional uses proposed for the redevelopment of this site include a café, recreational uses, shops and medical facilities providing points of interest to encourage residents and visitors to integrate as a community on site and create a connected village environment.</p> <p>Planning Priority 10 – Housing Choice</p> <p>While the LSPS does not state a specific direction on the future provision of seniors housing, it does identify that the priority is for provision of more diverse housing choice generally in terms of the range of housing sizes and types available.</p> <p>The planning proposal aligns with Planning Priority 10 through its community service offering and by making available additional housing capacity.</p>
Sutherland Shire Community Strategic Plan	<p>Outcome 5– Sutherland Shire: A prosperous community for all</p> <p>Outcome 6 – Sutherland Shire: A liveable place with a high quality of life.</p> <p>Strategy 6.2.1 seeks to facilitate a diverse housing mix: <i>through future development, plan for the delivery of a diversity of housing types that meets the needs of residents at different stages of their lives.</i></p> <p>The planning proposal will satisfy this outcome providing age in place housing options for an ageing population.</p>
Sutherland Local Housing Strategy	<p>The Sutherland Local Housing Strategy (LHS) was adopted by Council in December 2020. The Local Housing Strategy was endorsed by the Department 11 June 2021.</p> <p>The strategy includes underlying objectives focused at addressing housing needs for the ageing population in the Sutherland LGA. The strategy provides a framework for the delivery of Council’s Ageing Well Strategy and actions which facilitate identification of opportunities where greater diversity in housing choices can be made available.</p> <p>The proposal is aligned with the LHS as it provides a large site which currently contains dated aged care services and seeks to provide a redevelopment which combines a variety of aged care housing options incorporating a variety of ILU options a RACF and on-site facilities.</p>
Council’s Ageing Well Strategy	<p>This Strategy includes Care and Support Actions to co-locate services and facilities for the ageing community.</p> <p>The proposed additional uses (including medical centre, retail and recreational facility) will co-locate services and facilities with seniors housing.</p>

Council's strategy provides the following action:

"Increase aged housing by increasing permissible building heights and densities for aged persons housing in centres with proximity to transport, shopping and facilities."

The site is located between Southgate Shopping Village and Miranda Centre and has access to existing public transport routes along Port Hacking Road.

4.4 Section 9.1 Ministerial Directions

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

Table 6 - 9.1 Ministerial Direction assessment

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Business and Industrial Zones	Applicable and consistent	<p>This Direction seeks to ensure the viability of identified centres is supported.</p> <p>The proposal acknowledges that out of centre retail uses (as proposed) may take some market share from established centres, however the proposal states that the journey to local centre shopping centres may be difficult to achieve for many older residents.</p> <p>It is not uncommon for aged care facilities to have some retail to serve the day to day needs of the residents. The proposal limits the retail to be ancillary to the use of the aged care facility only.</p> <p>The proposal seeks to limit the extent of retail premises to 1000m², and to address concerns if a supermarket were to be established that could undermine other centres, it is proposed that the size of any one retail space be limited to 500m².</p>
Direction 2.3: Heritage Conservation	Applicable and consistent	<p>The subject site contains a heritage item, located west of the site, known as item 3707 (Bellingara Cottage) under Schedule 5 of the SSLEP 2015.</p> <p>The heritage item is a one storey federation period cottage that is currently being used as a Lifeline Support Unit. The proposal seeks to retain the listing of this local heritage item and incorporate it into any future development.</p> <p>A heritage assessment study accompanies the planning proposal and notes that the intended design will:</p> <ul style="list-style-type: none"> • Retain the building at the centre of an important through site-link and meeting place; • Increase the space around the house above floor level. • Include the removal of the existing carport north of the house will have a positive impact on its setting.

		<ul style="list-style-type: none"> • Include the removal of the post-war dwellings rear the heritage item will have a small positive impact. <p>It also notes that the intended community pavilion to the east of the building would be up to the floor level of the heritage item so it would not impact on views to the building from the upper levels of the site. It states that all the walls and the roof of the building be visible, and the rear of the building would become more visible to public view.</p> <p>The accompanying draft site specific DCP also includes objectives and controls to guide future development of the site and impacts to the heritage item.</p> <p>Further assessment and consideration of heritage impacts will be required as part of any future detailed design for the site.</p>
2.6 Remediation of Contaminated Land	Not applicable	As discussed, the site has been used for aged care purposes since approximately 1948 with the current zoning permitting a range of residential dwelling types and other sensitive uses such as child care centres. Whilst the proposal will introduce some new permissible uses, any further contamination testing is considered appropriate to determine as part of any future development assessments. The proposal is not considered to raise any increased concern regarding contamination that would not already require consideration under existing zoning conditions.
3. Housing, Infrastructure and Urban Development		
Direction 3.1: Residential Zones	Applicable and consistent	<p>The objective of this Direction is focused on housing diversity, infrastructure availability and minimising impact on the environment and resource lands.</p> <p>The Direction applies to this planning proposal as the site is within an existing residential zone. The proposal adequately responds to the requirements of the Direction as it provides for increased housing density for seniors on an existing site for that purpose.</p> <p>The scheme identifies availability of infrastructure and a design potential to find a balance with the environmental constraints of the site.</p>
Direction 3.4: Integrating Land Use and Transport	Applicable and consistent	The proposal is consistent with this Direction as it provides residential development within proximity to public transport. It also provides residents of the village with dedicated on-site access in the form of mini buses to provide connections to surrounding services and facilities.
4. Hazard and Risk		
Direction 4.1: Acid Sulfate Soils	Applicable and justifiably inconsistent	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The site is

		<p>currently developed for urban purposes and is classified as being affected by Class 5 acid sulfate soils.</p> <p>Clause 6.1 Acid Sulphate Soils in Sutherland LEP 2015 is considered adequate to prevent environmental damage arising from exposure of acid sulphate soils. It is considered appropriate that this work be undertaken as part of any future development application stage given the likelihood of the presence of acid sulfate soils.</p> <p>As such, any inconsistency with this Direction is of minor significance.</p>
Direction 4.3: Flood Prone Land	Applicable and unresolved	<p>On 14 July 2021, a revised Section 9.1 Direction 4.3 Flooding was issued. The current planning proposal does not provide an assessment against this revised Direction.</p> <p>While the proponents planning proposal states <i>“the site is not identified as flood prone”</i>, Council’s submission to the planning proposal states:</p> <p><i>“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”</i></p> <p>Councils flood prone maps identify the south-eastern corner of the site to be low and medium flood risk and that there is at least one building (D4) within Precinct 5 based on the indicative building footprints which appears to be within the flood risk area.</p> <p>As the proposal has not addressed the revised 9.1 Direction, a Gateway condition is included to require updated assessment against the requirements of the Direction. This includes the need to address effective evacuation requirements. Detailed discussion on flood impacts is provided in Part 4.1 of this report.</p>
6. Local Plan Making		
Direction 6.3: Site Specific Provisions	Applicable and unresolved	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>It is understood that the planning proposal intends to allow for additional height, FSR and APU’s only in conjunction with the site being used ‘predominantly’ for seniors housing.</p> <p>A Gateway condition has been included for the planning proposal to be updated to more clearly address this Direction. This should include clear reasoning why the proposed mechanism for achieving the objectives of the planning proposal is the most appropriate and effective approach.</p>

4.5 State environmental planning policies (SEPPs)

The planning proposal's consistency with all relevant SEPPs is discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing for Seniors or People with Disability) 2004 (SEPP HSPD)	SEPP HSPD aims to provide diversity of housing (including residential care facilities) that meet the needs of seniors or people with a disability.	Applicable	<p>Clause 26 of SEPP HSPD requires housing for seniors to be within an accessible location. The proponent's access report advises that the site is able to comply with the location requirements of the SEPP and is therefore suitable for renewal and expansion.</p> <p>As discussed, the planning proposal seeks to rezone the site to R4 High Density Residential where residential flat buildings are permissible excluding the site from the application of Clause 40(4).</p> <p>Further consideration of requirements of the SEPP will be required as part of any future development application(s).</p>
SEPP No. 65 Design Quality of Residential Apartment Development	This SEPP aims to improve the design quality of residential apartment development in NSW.	Applicable and consistent	<p>The supporting analysis provided with the proposal states that the concept scheme is capable of compliance with the amenity criteria set out in SEPP 65 and accompanying Apartment Design Guide requirements.</p> <p>This will need to be further considered and addressed as part of any future detailed design required for development assessment.</p>
SEPP (Koala Habitat Protection) 2019	The Koala SEPP aims to stop the decline of koala populations through ensuring koala habitats are properly considered during the development assessment process.	Not Applicable	As the site is located within Sutherland Shire LGA which is not listed in Schedule 1 of the Koala Habitat Protection 2019 SEPP, this SEPP does not apply.

Greater Metropolitan Regional Environment al Plan No. 2 Georges River Catchment 1999	This REP sets out planning principles to be considered when preparing an LEP and determining development applications for land within the Georges River Catchment.	Applicable and consistent	The Georges River Catchment comprises land within the Sutherland LGA. Further consideration can be given to this REP as part of any future development assessment. This will allow detailed analysis to be undertaken once final design details have been provided.
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP aims to encourage sustainable residential development and to ensure consistency in the implementation of the BASIX scheme throughout the State.	Applicable	<p>The Planning Proposal does not address the SEPP (Building Sustainability Index: BASIX) 2004.</p> <p>This issue will be addressed as part of any future development assessment.</p>
SEPP (Vegetation in Non-Rural Areas) 2017	The SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation.	Applicable and consistent	<p>This SEPP applies to this proposal as it is proposed to clear vegetation to make room for development on the site.</p> <p>Preliminary supporting documentation indicates that clearing on the site is not anticipated to exceed the 0.25ha threshold, and a Biodiversity Development Assessment Report (BDAR) is not required.</p> <p>Further assessment of a proposal's compliance with the requirement of the SEPP will be necessary as part of any future development assessment(s).</p>

SEPP (Infrastructure) 2007	The SEPP aims to facilitate the effective delivery of infrastructure across the State.	Applicable and inconsistent	<p>The proposal does not address the SEPP (Infrastructure) 2007.</p> <p>The site adjoins Port Hacking Road which is a classified State Road. The proposal seeks to maintain a major combined access/egress onto Port Hacking Road and would likely result in a development where substantial excavation would be required for the basement parking.</p> <p>The proposal is recommended to be referred to Transport for NSW (TfNSW) to provide commentary on any potential impact to Port Hacking Road and its operation.</p>
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5 Site-specific assessment

5.1 Environmental

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

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity Threatened fauna habitat	<p>The Ecological Constraints Assessment Report prepared by Narla Environmental includes a targeted survey to identify any Threatened Flora Species within the site. The survey found no evidence of any of the endangered or vulnerable species.</p> <p>A survey for Threatened Fauna Species identified the potential presence (considered low) for at least 2 listed vulnerable species:</p> <p>Ninox strenua (Powerful Owl) - the likelihood of this species is identified as low-moderate. The site contains Black She-oak and Eucalypt species as well as large hollows which is identified as potential habitat. Due to the highly fragmented vegetation the report considers it unlikely this would be suitable habitat for this large owl.</p> <p>Pteropus poliocephalus (Grey-headed Flying Fox) – the survey considers there to be a low-moderate likelihood of this species as there were no roosting camps observed. It is possible that the mobile species may visit the site to forage.</p> <p>Based on preliminary investigations and concept plan, the anticipated impacts to native vegetation are likely to be below the native vegetation clearing threshold of 0.25 ha. If necessary, this issue can be further considered as part of any future development assessment once detailed design matters are resolved.</p>
Flood Prone Land	<p>The Civil Investigation Report which accompanies the planning proposal addresses the 'Low and Medium Risk Flood Precinct' which burdens the south-eastern corner of the site. Council's report to the LPP provided the following comments in relation to flooding:</p>

“The proposed reduction of landscaped area from 35% to 30% is not supported by the 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.”

It is noted that the Council resolution from the 24 May 2021 reinstated the landscaped area provision to 35%. The report indicates that some additional infrastructure works are required including an overland flow and pipe capacity assessment of the existing piped system along the southern site boundary needs to be carried out.

As discussed, a Gateway condition is recommended requiring the planning proposal to be updated to address the requirements of the revised Ministerial Direction 4.3.

Built Form and Density

The proposed height increase would facilitate a concept development up to approximately 8 storeys within 14 individual building envelopes. The concept master plan (**Figure 13**) identifies the individual building forms could achieve a maximum height of up to 26.5m. Whilst this height is greater than what exists in the immediate area, the size of the site and its topography provides opportunity for a sensitively designed development.

The proposal is supported by an urban design report which outlines a design strategy based upon key principles including site connections, street networks, heritage, green network, legible development lots and distribution of height and density. This intends to respond to the natural topography of the site and locate height and density towards the centre of the site and partially along the eastern frontage of Port Hacking Road. It also seeks to reduce bulk and scale impacts to adjacent properties including:

- Maximum building heights of 4 storeys to the western frontage and part of the southern frontage with setbacks.
- Maximum building height of 3 storeys to part of the southern boundary with setbacks.

It is noted that Council's Design Review Panel (DRP) raised some concerns with this massing approach particularly relating to maximising solar access provision throughout the site. Therefore, the DRC recommended that the site specific DCP be defined and articulated by a more fine-grain and curated protocol of design parameters and guidelines to assist future development assessment including a “character” test for each precinct.

The Department is satisfied that subject to further refinement of design and interface matters, the site has the capability to accommodate additional height and density in keeping with the proposal. To inform community consultation, a Gateway condition is recommended to require the accompanying urban design analysis to be updated to:

- reflect the current planning proposal including the retention of 35% of the site being retained for landscaping purposes.
- clearly demonstrate the ability of the accompanying concept scheme can be achieved within the proposed FSR and height development standards. This should include updating the Area Schedule to be clear and easy to understand for the wider community.
- provide a clear rationale for the proposed height and FSR standards to assist the community in understanding the rationale for the intensity of development proposed.

Overshadowing	<p>The accompanying urban design report includes overshadowing diagrams at hourly intervals between 9am and 3pm at the winter solstice. The diagrams demonstrate there will be minimal overshadowing cast to properties including adjoining the southern boundary. It states that many properties to the south of the site are largely in shade from existing mature trees and therefore the indicative massing will not add shadow beyond its southern boundary and into the neighbouring sites. Some additional overshadowing is cast over Port Hacking Road in the afternoon.</p> <p>To inform community consultation, a Gateway condition is included requiring updated and clearer overshadowing information to show the existing overshadowing situation and the proposed overshadowing impacts arising from the proposal.</p>
Traffic and parking	<p>The proposal is supported by a traffic impact assessment report which outlines the intended approach to vehicular access and parking:</p> <ul style="list-style-type: none"> the existing combined entry and exit driveway located towards the northern end of Port Hacking Road site frontage is to be retained, and the existing combined entry and exit driveway located approximately mid-way along the Port Hacking Road site frontage is proposed to be permanently removed. the existing combined entry and exit driveway off Bellingara Road is to be repositioned to be located directly opposite Camden Street, with the intersection proposed to be upgraded to a four-leg roundabout. provision for loading and unloading facilities is expected to be provided at two locations for the residential aged car facility and for the independent living units, and will be provided in accordance with Council's DCP requirements. <p>The report undertook SIDRA capacity analysis and states that the proposal will not have any unacceptable traffic implications, and the nearby intersection is expected to continue to operate satisfactorily as per existing Levels of Service. As such, the report does not consider any road improvements or intersection upgrades will be required.</p> <p>The proposal states that as Wesley Mission is a social housing provider, the proposed development requires 147 parking spaces under the Seniors SEPP. It notes that a total of 584 off-street parking spaces would be required if the planning proposal was not made by a social housing provider. The accompanying urban design report indicates the provision of 567 car spaces in basement car parks plus additional angle and parallel bays along internal roads.</p> <p>Due to potential impacts to Port Hacking Road, a Gateway condition is recommended to require consultation with TfNSW.</p>

5.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social: Way of life	The redevelopment of this site as a more inclusive 'village' providing services and facilities to promote active integrated living will contribute to positive way of life impacts.

Social: Community composition, cohesion, function, and sense of place	<p>The redevelopment aspires to deliver a state-of-the-art seniors living development, incorporating enhanced indoor and outdoor spaces and formalised through-site links available to the broader community to encourage integration with the broader community.</p> <p>The redevelopment also intends to provide opportunities to improve community connections through programming opportunities and spaces (including indoor recreation facility, outdoor library, men's shed, greenhouse and productive garden) that connect ILU residents and RACF residents.</p>
Social: Access to and use of services and facilities	<p>The proposal seeks to introduce additional uses to allow for additional services not normally located within an R4 zone but suited as ancillary supporting uses for an aged care facility.</p>
Social: Cultural including shared beliefs, customs, values and stories and connections to land, places, and buildings (including Aboriginal culture and connection to country)	<p>The planning proposal retains the heritage item on site and seeks to incorporate this element as a 'site marker' identifying the entrance of the site and highlighting the value of this element to the operation of the site.</p> <p>The proposal indicates that inclusion of culturally appropriate spaces within the site will assist future residents with cultural and linguistic diversity.</p>
Social: Health and wellbeing	<p>The intensification of the site to incorporate targeted medical services for aged care and increased levels of care will provide improved health outcomes for residents.</p> <p>The intended facilities include new social connectors in the form of outdoor library, men's shed, community recreation facility and garden spaces available to residents and external community to support mental and social wellbeing.</p>
Economic: Construction-related investment and employment	<p>The scope of works anticipated on this site will result in a variety of direct related employment generation.</p>
Economic: Ongoing employment	<p>The expansion of services and ancillary functions associated with the greater intensification of the site will increase the number and range of ongoing local employment opportunities available.</p>
Economic: Support for local businesses	<p>The proposal states that the proposed additional uses are consistent with the objective of providing services and facilities to meet the day to day needs of aged care residents. The proposed additional uses constitute approximately 7% of the total proposed floor area, which the proposal states is comparable with the percentage occupied by 'ordinarily incidental and ancillary uses' in other similar developments in Sutherland Shire.</p> <p>The proposal acknowledges that out of centre retail uses (as proposed) may take market share from established centres, however states that the journey to local centre shopping centres may be difficult to achieve for many older residents. Providing a range of retail premises will provide greater on-site amenity, meeting</p>

the needs of residents, employees and visitors without detracting from the site's primary function as an aged-care facility. The proposal seeks to limit the extent of retail premises to 1000m², and to address concerns if a supermarket were to be established that could undermine other centres, it is proposed that the size of any one retail space be limited to 500m².

The proposed introduction of the APU's is in keeping with the objective of the proposal to provide an opportunity for residents to age in place. This will meet the objectives of the R4 High Density zoning which seeks to enable other land uses that provide facilities or services to meet the day to day needs of residents. This is also supported by the proposed restriction of floor space for these uses in conjunction with a seniors development.

5.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Electrical Services	<p>The proposal states that adequate provisions are available to service the site with all required electrical service systems including electrical power supply, substations, main switchboards, distribution boards and communications. These items will be detailed as required for development consent and construction stages.</p> <p>A Gateway condition is recommended to require consultation with relevant utility providers.</p>
Access Infrastructure	<p>Vehicular Access</p> <p>Port Hacking Road is a State Road with high traffic volumes and Bellingara Road is a local road linking the site to nearby roads and suburbs. There are two vehicular ingress/egress points from Port Hacking Road, with the main entry and exit point for vehicles currently off Bellingara Road. Pedestrians can access the site from two points located along Bellingara Road and Port Hacking Road. The village has access to public transport, as well as existing infrastructure, and services. There are bus stops directly in front of the site on Port Hacking Road and Bellingara Road along with three public bus routes that provide services to Miranda-Cronulla, Hurstville, Southgate, Rockdale Plaza and Kogarah.</p> <p>The planning proposal is accompanied by a Civil Investigation Report prepared by Northrop Consulting Engineers 2020. The report identifies that access arrangements to the site are proposed to be consolidated from dual combined access points to a single combined access from Port Hacking Road which is controlled by Transport for NSW (TfNSW). Consultation with TfNSW in relation to the proposed access points onto Port Hacking Road is recommended as a condition of Gateway.</p> <p>Pedestrian Access</p> <p>An Access Review Report accompanies the proposal and identifies the deficiencies in the existing status of the site in terms of pedestrian access. Opportunities are identified for improvements which will be required to be further refined as part of</p>

	<p>future detailed design. This includes access to bus stops via accessible paths of travel to provide opportunity for connections to relevant services in the area.</p> <p>The site contains a significant slope in topography which in some parts of the site is around 2m and as great as 12m at the northern end. Internally accessible pathways within the development linking the various accommodation elements with the communal and landscape facilities have been identified within the report as important features to be addressed by the design process.</p>
Stormwater and Drainage	<p>The development will likely require on-site stormwater detention (OSD) for each stage of the development to address the increase in impervious surfaces on the site. A comprehensive stormwater master plan with supporting design and technical analysis will be required once a design has been resolved.</p>

6 Consultation

6.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms one of the conditions of the Gateway determination.

6.2 Agencies

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

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- NSW Heritage
- Environment, Energy and Science (EES) Group of the Department
- Sydney Water Corporation
- Water NSW
- Transport for NSW
- State Emergency Services (SES)
- Ausgrid

7 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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

8 Local plan-making authority

Council requests to be the local plan-making authority under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

As the planning proposal includes unresolved Directions, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment summary

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

- It is consistent with the South District Plan in the provision of increased density and diversity of inclusive aged care accommodation options providing a 257% increase in ILUs and 183% increase in RACF beds;
- It is consistent with, and gives effect to, the Sutherland Local Strategic Planning Statement;
- It is consistent with the relevant State Environmental Planning Policies subject to conditions;
- Any inconsistencies or relevant section 9.1 Ministerial Directions which are not currently addressed, will be addressed by way of Gateway Conditions before public exhibition and/or during agency consultation;
- It will facilitate an uplift of seniors housing on the site and enable redevelopment of the existing facilities to provide an upgraded aged care village.
- The concept master plan indicates that the proposal is capable of achieving compliance with SEPP HSPD and SEPP 65.

As discussed in the previous sections 4 and 5, the proposal should be updated to address outstanding issues which are described in the recommended conditions below.

10 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions is unresolved and will require justification.

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

1. The planning proposal is to be amended to:
 - a) Remove the drafted local provision and replace with a plain English explanation of the intent of a future local provision. The final wording of any future local provision will be subject to the drafting of NSW Parliamentary Counsel.
 - b) Provide additional information to clearly address consistency with 9.1 Direction 4.3 Flood Prone Land as amended on 14 July 2021 which includes the requirement to address effective evacuation.
 - c) Provide additional information to clearly address consistency with 9.1 Direction 6.3 Site Specific Provisions. This should include reasons why the proposed mechanism for achieving the objectives of the planning proposal is the most appropriate method.
 - d) Provide updated urban design analysis to:
 - (i) clearly reflect the current planning proposal including the retention of 35% of the site being retained for landscaping purposes.
 - (ii) clearly demonstrate the ability of the scheme to be achieved within the proposed FSR and height development standards. This should include updating the Area Schedule to be clear and easy to understand for the wider community.

- (iii) provide a clear rationale for the proposed height and FSR standards to assist the community in understanding the rationale for the intensity of development proposed.
 - (iv) provide additional overshadowing information to show both the existing and proposed overshadowing to neighbouring properties at the winter solstice with particular detail provided to the southern boundary.
 - e) Address consistency with the Sutherland Local Housing Strategy endorsed by the Department on 11 June 2021.
 - f) Update the planning proposal document (page 6) to rectify an incorrect reference to the proposed permissible height from 26m to 26.5m.
2. Consultation is required with the following public authorities:
- NSW Heritage
 - Environment, Energy and Science Group (EES) Group of the Department
 - Sydney Water Corporation
 - Water NSW
 - Transport for NSW (TfNSW)
 - State Emergency Services (SES)
 - Ausgrid
3. The planning proposal should be made available for community consultation for a minimum of 28 days
4. The planning proposal must be placed on exhibition not more than 3 months from the date of the Gateway determination.
5. The planning proposal must be reported to Council for a final recommendation no later than 7 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



2 August 2021

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8 August 2021

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