

# Planning Proposal

## Rezoning and Reclassification of Council Land under Hurstville Local Environmental Plan 2012 for Seniors Housing and Community Facility

River Road, Oatley  
(Former Oatley Bowling Club Site)

July 2017

## Document Control

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5	10 July 2017	Final - Revised PP for submission to Gateway	Sonny Embleton	Helen Deegan

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# Amendments to the PP

## Background to the preparation of this revised PP

This Planning Proposal is an updated version of a previous planning proposal prepared and submitted to Council in October 2016. The process leading to the preparation of this revised PP is outlined below. This process has resulted in changes to the October 2016 PP for presentation to Gateway.

### 1. Planning Proposal Lodged with Council in October 2016.

The October 2016 PP sought the following amendments to the HLEP 2012 for the 'greater Former Oatley Club site area' represented by the blue dashed line in Figure 1.

- Reclassify the site from 'community land' to 'operational land'.
- Rezone the site from RE1 Public Recreation to SP2 Infrastructure with the designated use of 'seniors housing'.
- Amend the height of buildings map to introduce a maximum building height of 18.5m.
- Amend the floor space ratio map to introduce a maximum FSR of 1.2:1.

### 2. Planning Proposal Considered by Council on 7 November 2016.

The October PP was considered by Council's Administrator on 7 November 2016. Minute 166 of item CCL095-16 states:

*(a) That Council not proceed with the 2014 resolution of the former Hurstville City Council to rezone the site to residential to facilitate a 7-9 storey, mixed use residential and seniors housing development.*

*(b) That it be noted that if the Planning Proposal proceeds to Gateway determination, any plan making (re-zoning and reclassification) is unlikely to occur before December 2017, and would require the prior approval of the Council elected in September 2017.*

*(c) That the Planning Proposal to reclassify the site from 'community' land to 'operational' and to rezone the site to SP2 Infrastructure with the designated land use of seniors housing (nursing home) and community facilities be amended to apply only to that part of the site which would accommodate the seniors housing (aged care component) and ancillary support requirements, i.e. approximately 50% of the site.*

*(d) That extensive public consultation commence immediately and a report be submitted to Council in March 2017 detailing the outcomes of the public consultation (including any proposed amendments to the Planning Proposal arising from such consultation) prior to any Gateway submission to the NSW Department of Planning and Environment.*

*(e) That an independent peer review of the community consultation results ((d) above) be undertaken.*

*(f) That the Planning Proposal be assessed by an independent expert who will make recommendations to the Independent Hearing and Assessment Panel for endorsement or otherwise prior to any Gateway determination.*

*(g) That if the Planning Proposal proceeds, i.e. after independent assessment, approval by IHAP and Department of Planning and Environment, the reclassification Public Hearing be undertaken by a former Judge of the NSW Land and Environment Court or a person with equivalent standing and experience, and that a post Gateway exhibition report be prepared by an independent consultant for consideration by the Independent Hearing and Assessment Panel and the newly elected Council panel prior to forwarding to the Department of Planning.*

### **3. Comprehensive Community Engagement Undertaken - November 2016 - February 2017**

In response to Council's resolution of 7 November 2016, Council undertook extensive preliminary community consultation with respect to the PP. Community consultation was led by Elton Consulting. The public consultation program was undertaken between November 2016 and February 2017. Three Community Information and Feedback Sessions, a community survey and a phone survey were conducted as part of the community consultation. This was part of an ongoing dialogue with the community about the potential redevelopment concept for the site. Submissions were invited from the community between 23 November 2016 and 5 February 2017.

As per Council's 7 November 2017 resolution, a peer review of community consultation processes and outcomes was undertaken by Cred Consulting in March 2017. This review concluded that the outputs prepared by Elton were considered to be of a high-quality and based on a robust methodology.

### **4. Assessment of PP by Council's Independent Planning Assessor (City Plan) - March 2017 - May 2017**

Assessment of the PP was undertaken by Council's independent planning assessor. As a result of this assessment a number of clarifications were provided and some minor updates to the PP were undertaken, including providing additional information in response to the draft South District Plan.

### **5. Additional information sought relating to Flora/ Fauna, Bushfire and access April 2017 - May 2017**

Following the community consultation activities, community concerns raised matters relating to flora, fauna and the safety of access with respect to the potential event of a bushfire. Council subsequently engaged Molino Stewart, who liaised with GTA traffic consultants to prepare an integrated response to address these concerns, which is now included within this PP.

### **6. PP considered by Independent Hearing and Assessment Panel (IHAP) 18 May 2017**

The October 2016 PP was considered by IHAP on May 18 2017 and recommended the following:

*1. Subject to paragraphs 2 and 3 below, the Georges River IHAP recommends to the Council that the Planning Proposal to amend Hurstville Local Environmental Plan 2012 ("Hurstville LEP 2012") as follows, in respect of the northern half of the former Oatley Bowling Club Land (Lots 14 to 20 Section 3 DP 7124, Part of Lots 3 to 7 Section 4 DP 7124 and Lot 1 DP 1159269), be forwarded to the delegate of The Greater Sydney Commission for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979:*

*a. Amend the Land Zoning Map to rezone that part of the land indicatively shown in Figure 3 of the report to Georges River Council IHAP Meeting of Thursday 18 May 2017 relating to application No. PP2016/0004 from RE1 -Public Recreation to SP2 Infrastructure, with the designated use of 'seniors housing';*

*b. Amend the Height of Buildings Map to introduce a maximum building height of 18.5m on that part of the land proposed to be zoned SP2 Infrastructure; and*

*c. Amend the Floor Space Ratio Map to introduce a maximum Floor Space Ratio sufficient to allow 6,020m<sup>2</sup> of gross floor area on the part of the land proposed to be zoned SP2 Infrastructure (approximately 1.2:1).*

*2. The Georges River IHAP recommends to the Council that the Planning Proposal referred to in paragraph 1 above be updated as follows prior to being forwarded to the delegate of The Greater Sydney Commission for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979:*

*a. Reduce the area proposed to be zoned SP2 Infrastructure to reflect the Council decision of 7 November 2016 and update any reports to accompany the Planning Proposal as is necessary to reflect the reduced area;*

*b. Include the separate information provided on the planning proposal's compliance with the draft South District Plan;*

*c. Include an updated Traffic and Access Assessment to reflect the indicative concept*

## **7. Planning Report submitted to Council on 5 June 2017 and resolution made**

Following the IHAP recommendation, a planning report was prepared and submitted for consideration of Council on 5 June 2017. The Council Administrator moved and declared carried:

*(a) That subject to (b) and (c) below, the Planning Proposal to reclassify the subject land from "community" to "operational" and amend Hurstville Local Environmental Plan 2012 ("Hurstville LEP 2012") as follows, in respect of the northern half of the former Oatley Bowling club Land (Lots 14 to 20 Section 3 DP 7124, Part of Lots 3 to 7 Section 4 DP 7124 and Lot 1 DP 1159269), be forwarded to the delegate of The Greater Sydney Commission for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979:*

*(i) Amend the Land Zoning Map to rezone that part of the land indicatively shown in Figure 3 of the report to Georges River Council I HAP Meeting of Thursday, 18 May 2017 relating to application No. PP2016/004 from RE1- Public Recreation to SP2 Infrastructure, with the designated use of 'seniors housing';*

*(ii) Amend the Height of Buildings Map to introduce a maximum building height of 18.5m on that part of the land proposed to be zoned SP2 Infrastructure; and (iii) Amend the Floor Space Ratio Map to introduce a maximum Floor Space Ratio sufficient to allow 6,020m<sup>2</sup> of gross floor area on the part of the land proposed to be zoned SP2 Infrastructure (approximately 1.2:1).*

*(b) That the Planning Proposal referred to in paragraph (a) above be updated as follows prior to being forwarded to the delegate of The Greater Sydney Commission for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979:*

*(i) Reduce the area proposed to be zoned SP2 Infrastructure to reflect the Council decision of 7 November 2016 and update any reports to accompany the Planning Proposal as is necessary to reflect the reduced area;*

*(ii) Include the separate information provided on the planning proposal's compliance with the draft South District Plan;*

*(iii) Include an updated Traffic and Access Assessment to reflect the indicative concept proposal and to specifically address emergency access requirements arising from the bushfire hazard;*

*(iv) Include an updated detailed Site Investigation to specifically address the suitability of the part of the land proposed to be zoned SP2 Infrastructure in terms of contamination risk.*

*(c) That if it is determined by the Greater Sydney Commission or its delegate under Section 56 of the Environmental Planning & Assessment Act 1979 that the Planning Proposal referred to in part (a) above may proceed: ·*

*(i) Council give further consideration to whether it will pursue the Planning Proposal, ie proceed to Statutory Exhibition, pursuant to (a) above and if so pursued that it prepare an amendment the Hurstville DCP to address interface issues with adjoining sites which may include, but may not be limited to height, interface and transition, setbacks, minimising overshadowing of the public domain and any other relevant issues.*

This PP includes the relevant amendments in response to item (b) above.

# Amended Planning Proposal Boundary

## Confirmation of the Planning Proposal Boundary

The October 2016 PP proposed to reclassify, rezone and introduce height and floor space ratio controls to the greater Former Oatley Bowling Club site area as represented by the blue dashed line in Figure 1.

In accordance with the resolution of Council on 7 November 2016 and subsequent resolution of Council on 5 June 2017, the boundary of the area proposed for reclassification, rezoning and introduction of height and floor space ratio controls has been reduced. The current rezoning boundary for the purposes of this PP is represented by the red dashed line in Figure 1.

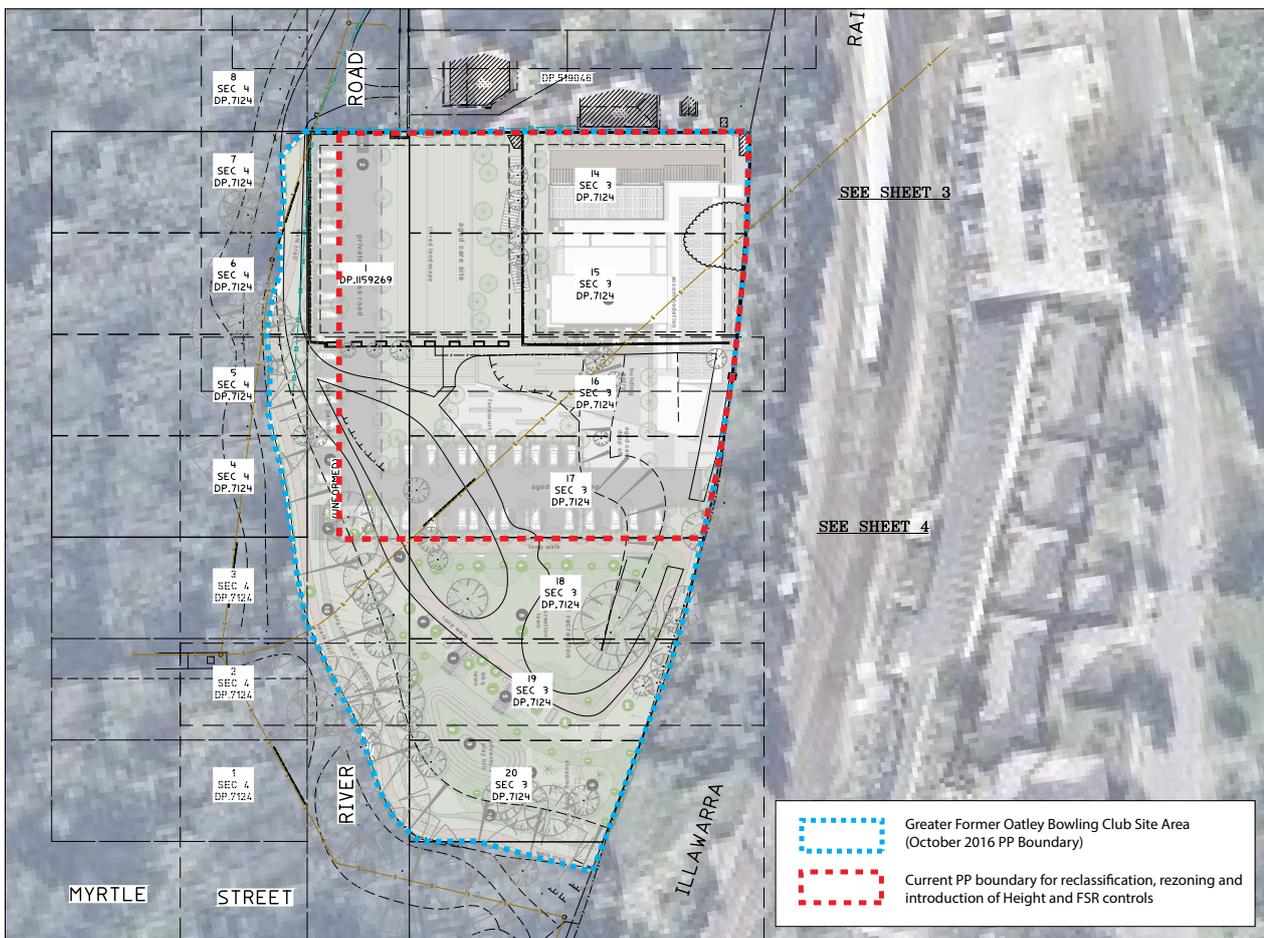


Figure 1. Site boundary pre and post Council resolution of 7 November 2016 and 5 June 2017.

The resolution of Council dated 7 November 2016 (minute 166(c) of item CCL095-16) required the area of the site to be rezoned and reclassified to be reduced to approximately 50% of the site area. Specifically, minute 166(c) of item CCL095-16 states:

*'The subsequent resolution dated 5 June 2017 referred to "Figure 3 of the report to Georges River Council I HAP Meeting of Thursday, 18 May 2017" which further clarifies the reduced extent of the site to be the subject of reclassification, rezoning and introduction of height and floor space ratio controls.'*

Refer Figure 2, which illustrates the subject diagram.



Figure 2. "Figure 3" of the report to Georges River Council / HAP Meeting of Thursday, 18 May 2017

The black boundary in Figure 2 above (i.e. IHAP Report 'Figure 3') corresponds to the nominated site boundary reflected by the red dashed line in Figure 1 of this PP, which confirms the proposed reclassification and zoning boundary in relation to existing cadastral boundaries.

The reduction in site area pertains specifically to the area of the site proposed for reclassification, rezoning and introduction of height and floor space ratio controls. This reduction was conceived by Council's Administrator based on the understanding of Council that the portion of the 'greater Former Oatley Bowling Club site area' intended to be enhanced and used as a public recreation space, could be achieved under the site's current 'community' classification and existing RE1 Public Recreation zoning. It was considered by Council's Administrator that rezoning of this portion of the site would not be necessary to achieve the desired outcomes for the greater site area.

Whilst the area of the site proposed for reclassification, rezoning and introduction of height and floor space ratio controls has been reduced, Council's intention to facilitate the future delivery of an enhanced public recreation space on the southern portion of the 'greater Former Oatley Bowling Club site' remains as a key public benefit intended to be delivered adjacent to a future seniors housing development. It is envisaged that this would occur in conjunction with the future development of the northern portion of the site for the purpose of seniors housing. Possible means of delivering this key public benefit that will be explored at a later stage and may include Council entering into a Voluntary Planning Agreement (VPA) or through establishing appropriate commercial terms with a future purchaser or developer as appropriate.

### Area of consideration for supporting technical studies

The technical studies (e.g. contamination, traffic, geotechnical) appended to support this Planning Proposal were prepared prior to the amendment of the reclassification and rezoning boundary. Whilst the area of land subject to reclassification and rezoning has been reduced, the area of consideration within supporting technical studies has not been amended. Each of these supporting studies generally remain focused on the greater Former Oatley Bowling Club site area for the following reasons:

- The intent to facilitate the delivery of the following outcomes on the greater Former Oatley Bowling Club site area as outlined in Ansell's indicative design concept (Refer Figure 5 and Appendix A) remains unchanged:
  - » a seniors housing development on SP2 zoned land proposed by this PP on the northern portion of the site; and
  - » an enhanced public recreation space on the southern portion of the site (can be delivered under the current RE1 Public Recreation zoning and 'community classification').
- Each of the supporting studies generally concludes that the greater site area is suitable for the use of seniors housing at the northern end of the greater site and public recreation space on the southern portion of the greater site. In this regard, the area of impact associated with delivering the overall concept plan in its entirety has not changed.
- The reduced area identified for rezoning is wholly contained within the area of consideration of each study.

Given the above, as the reduced site area is fully contained within the extent of consideration of each of these studies, reducing the focus of each study to the new reclassification and rezoning boundary was considered unnecessary for the purposes of this PP.

### Floor Space Ratio

At no stage have resolutions of Council required a change in the height or building bulk. However, as a result of changing the site area, the proposed FSR for the PP needed to be adjusted to facilitate the intended built form outcome as proposed, but on a smaller lot area. Therefore, the FSR has been changed from 0.6:1 to 1.2:1 to allow for the intended GFA of 6,020m<sup>2</sup> to be achieved.

# Executive Summary

Georges River Council (Council) is seeking an amendment to Hurstville Local Environmental Plan (LEP) 2012 to rezone and reclassify the land known as the former Oatley Bowling Club at River Road, Oatley to enable future development of seniors housing and community facility. This Planning Proposal (PP) has been prepared by TPG Town Planning and Urban Design (TPG) on behalf of Council.

This PP is a revision of an earlier PP dated October 2016, which was subject to a November 2016 resolution of Council's Administrator and a preliminary community consultation process. The October 2016 PP was subject to consideration by the Georges River Council's Independent Hearing and Assessment Panel (IHAP) on 18 May 2017 prior to consideration by Council Administrator on 5 June 2017.

This PP has been revised to address the outcomes of the preliminary community consultation and resolution of the Council Administrator on both 7 November 2016 as well as on 5 June 2017. The amended PP includes new and updated information pertaining to consultation outcomes and further technical studies identified for inclusion during these preliminary consultation and assessment processes.

This PP has been prepared in accordance with the requirements of Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the associated guidelines 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals' prepared by the Department of Planning and Environment (2016), which requires the following matters to be addressed:

- Part 1: Objectives or intended outcomes of the proposal;
- Part 2: Explanation of provisions to be in an amendment to HLEP 2012;
- Part 3: Justification for the proposal in terms of;
  - » Section A - Need for the planning proposal;
  - » Section B - Relationship to strategic planning framework;
  - » Section C - Environmental, social and economic impact;
  - » Section D - State and Commonwealth interests;
- Part 4: Mapping amendments to HLEP 2012;
- Part 5: Community consultation to be undertaken; and
- Part 6: Project timeline.

Council is requested to forward this Planning Proposal to the Minister or his delegate for a Gateway determination under section 56 of the *EP&A Act*.

## Site Description - Current Zoning and Classification

The subject site is located on River Road, Oatley in close proximity to both the Oatley town centre and West Oatley neighbourhood centre. The Oatley railway station is located to the immediate east of the site, Myles Dunphy Reserve to the south and west of the site, and adjoining the site to the north is low density residential development.

The October 2016 PP for the subject site had previously sought rezoning and reclassification of the greater former Oatley Bowling Club site. A DA for subdivision considered by Council in establishing the then boundary of the rezoning and reclassification area. Following the resolution of Council on 7 November 2016 and a further resolution of Council on 5 June 2017, the site area that is subject of this amended PP has been reduced to focus only on the area proposed to accommodate a seniors housing facility. As illustrated in Figure 1, the current site area for the purposes of this PP is represented by the red dashed line.

The current legal description of the site is Lots 14 to 17 Section 3 DP 7124, and Lot 1 DP1159269 - Part River Road. The land is owned by Georges River Council.

At present, the subject site is described as a collection of individual 'paper subdivision' lots and part of River Road. A draft plan of subdivision has been prepared to accompany this PP to clarify the extent of the area proposed to be reclassified, rezoned and for introduction of height of building and floor space ratio controls. A development application seeking to create a single consolidated site will be prepared based on this plan and exhibited concurrently with this updated PP. The future subdivision development application will seek to create a single consolidated Torrens Title lot to establish a formal cadastral boundary for the subject site and therefore provide a zoning and reclassification boundary for the purposes of this PP.

The site area is 6,260m<sup>2</sup> as identified by Figure 19 and the draft plan of subdivision provided as Appendix Q. Its dimensions are approximately 80m in length in a north-south direction, and a varying width of approximately 71m to 80m in an east-west direction.

All building structures on the site associated with the former bowling club have been demolished other than the disused bowling greens which are constructed with fill, stone retaining walls and a small metal shed. Road access is available to and from the site directly via the partially constructed River Road. Utility services such as water, sewer and power are also available at the site.

The site has a stepped topography largely formed by earthworks associated with the former bowling club over a moderate to steep sloping natural topography. The majority of the site has previously been cleared of native trees, and the vegetation on the site is limited to a mix of native and exotic trees and shrubs primarily around the site perimeter and a predominance of exotic grasses.

The site is currently zoned RE1 Public Recreation under the Hurstville LEP 2012. There are currently no development standards for maximum height and floor space ratio applying to the site under the Hurstville LEP 2012.

The site is presently classified as 'community land' under the *Local Government Act 1993*.

## Objectives and intended outcomes of planning proposal

This PP seeks an amendment to the Hurstville Local Environmental Plan 2012 to enable the future redevelopment of the Oatley Bowling Club site to accommodate a seniors housing development.

## Explanation of provisions to be in Hurstville LEP 2012

The objectives and intended outcomes of the Planning Proposal are to:

- amend the Hurstville LEP 2012 to rezone and permit the development of the site for the purposes of ‘seniors housing’ with Council consent;
- reclassify the land from ‘community’ to ‘operational’ under the *Local Government Act 1993* to enable the land to be developed for the purpose of seniors housing;
- provide seniors housing to meet identified community need for seniors housing in accordance with the Georges River Council’s Community Strategic Plan 2025 and associated Delivery Program and Operational Plan;
- provide for a public recreation space on adjacent RE1 zoned land to serve as a community gathering place, inclusive of a community garden, reflective of the resolution of Council dated 22 September 2010 (Minute No. 303 CCL186-10);
- make more efficient and equitable use of an underutilised land resource, which currently provides limited public benefit, in accordance with the relevant objects of the *EP&A Act* and provisions of the *Local Government Act 1993*;
- generate revenue for Council that will be used to offset already implemented improvements to Jubilee Park including a new community centre and recreational facilities, consistent with Council’s operational plan and the resolution of Council dated 22 September 2010 (Minute No. 303 CCL186-10); and
- ensure that future development on the site is sustainable, and is capable of being accommodated on the site without unreasonable environmental impact as well as considered social and economic benefit.

The PP will seek to amend the Hurstville LEP 2012 as follows:

- amend Schedule 4 – ‘Classification and reclassification of public land’ in order to reclassify the subject land to ‘operational land’;
- amend the Land Zoning Map to rezone the site to SP2 Infrastructure with the designated uses of ‘seniors housing’
- amend the Height of Buildings Map to introduce a maximum building height of 18.5m; and
- amend the Floor Space Ratio Map to introduce a maximum FSR of 1.2:1.

The SP2 Infrastructure zone is an existing zone provided for within the HLEP 2012. Mapping for the site and using the designation ‘seniors housing’ will only allow that land use and any uses considered ordinarily ancillary or incidental uses to that use to be developed on the subject site.

## Justification for the proposal

The PP is justified as it:

- is a result of the following strategic plans, studies, and resolution of Council:
  - » Hurstville Community Strategic Plan 2025 and associated Delivery Plan and Operation Plan which identify the need for seniors housing in the locality and the specific opportunity for the potential rezoning and development of seniors housing on the subject site, with revenue generated from it to be used to implement improvements to facilities at Jubilee Park;
  - » Hurstville Positive Ageing Strategy, which seeks to manage changes associated with an ageing population to facilitate the positive ageing for seniors within the community (ageing in place);
  - » Ansell Strategic - Market Assessment/Needs Analysis Report - December 2015, which confirms strong demand for aged care services in the locality;
  - » Council's intended strategic direction for the site as resolved at its 22 September 2010 meeting to accommodate a seniors housing development;
- will provide for a public recreation space on land immediately adjacent to the site to serve as a community meeting place (Minute No. 303 CCL186-10);
- is consistent with community expectation as per the outcomes of community engagement activities undertaken between November 2016 and February 2017, a summary of which is included as Appendices T and U;
- is considered the best means of achieving the objectives and intended outcomes for the site. It amends the zoning and development standards applying to the site under Hurstville LEP 2012 to enable only 'seniors housing' land uses to ensure land use compatibility with that of surrounding residential zone properties, and reclassifies the land via the LEP as required by the *Local Government Act 1993*. It also introduces height and floor space ratio controls that are compatible with the local context;
- is consistent with *A Plan for Growing Sydney*, which identifies Hurstville as a Strategic Centre. A priority for this strategic centre is to provide capacity for additional mixed use development in Hurstville including offices, retail, services and housing. It is further consistent with *A Plan for Growing Sydney's* specific priorities for the South Subregion including increasing supply of housing supply, choice and affordability particularly for senior members of the community; and
- is consistent with the *Draft South District Plan* in that it will deliver land for seniors housing and in doing so will assist Council and the NSW government to deliver key priorities relating to the ageing population.
- can meet the requirements of relevant State Environmental Planning Policies (SEPPs) including SEPP 19 Bushland in Urban Areas; SEPP 32 Urban Consolidation; SEPP 55 Remediation of Land; SEPP (Infrastructure) 2007; and SEPP (Housing for Seniors or People with a Disability) 2004;
- meets the requirements of relevant s117 Ministerial Directions including those numbered 2.3 Heritage Conservation; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulphate Soils; 4.4 Planning for Bushfire Protection; 6.3 Site Specific Provisions; and 7.1 Implementation of '*A Plan for Growing Sydney*';

- is consistent with DPE *Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan*;
- enables a 'seniors housing' land use and allows for the establishment of a complementary public recreation space on adjacent land, which are each consistent and compatible with the nature of surrounding residential and recreational land uses. These uses are also conducive to community building, ageing in place and allow for ready access to existing local rail services and town centre amenities;
- is in a location with available transport and utility infrastructure, and there will be no significant additional infrastructure cost to the community;
- is in a location where environmental planning issues and potential impacts are not of such significance as to preclude the proposal for seniors housing or complementary public recreation space adjacent to the site, and can be managed in the planning and design of a future Development Application; and
- is consistent with Council's resolutions of 7 November 2016 and 5 June 2017.

To better understand the potential of the site for 'seniors housing' and a recreation space on adjacent land, Council engaged Ansell Strategic to prepare a feasibility investigation for the site. This feasibility includes indicative concepts based on the following principles, which have informed this PP:

- to provide for seniors accommodation and services within a community with an increasing ageing population at the north east corner of the site taking into consideration existing site constraints, in particular, bushfire;
- to include a public recreation space on RE1 zoned land adjacent to the area of the site that would be developed for seniors housing purposes. This space would be accessible in perpetuity and include a community garden on adjacent RE1 zoned land to cater for the needs of seniors within the subject site, their families and the wider Georges River community to reflect the resolution of Council on 22 September 2010;
- to provide a public recreation area on adjacent RE1 zoned land that will consist of a wide range of place making features available, in perpetuity, to all members of the community and will provide greater accessibility to and connection with the adjacent Myles Dunphy Reserve;
- to introduce public car parking to a portion of the site that will improve accessibility to the Myles Dunphy Reserve without encroaching into or impacting on the reserve itself; and
- transform and reinvigorate a site and adjacent RE1 zoned land, which is currently not intended to be freely accessible and which presently provides limited public benefit to the community, into a multi-purpose destination that will benefit and better serve a diverse local community.

The resulting multi level facility which seeks the most appropriate built form outcome for the site has also been used to guide the proposed FSR and height standards that would be applicable to the site under this PP. Noting that the proposed maximum building height and FSR is consistent with Council's 5 June 2017 resolution supporting an 18.5m maximum building height and a maximum FSR to enable the provision of the intended 6,020m<sup>2</sup> of Gross Floor Area (GFA).

Council is committed to ensuring high quality community based 'place making' outcomes for the site and therefore seeks a concept that provides for a variety of community and recreation uses on RE1 zoned land immediately adjacent to the site in addition to providing much needed housing options to enable senior members of the

community to age in place. Whilst the indicative plans are not intended to represent exact final proposals for the site, Council would seek to ensure these elements are included in any future development application (DA) in response to development controls proposed by this PP. One way of ensuring such outcomes is for Council to enter into a Voluntary Planning Agreement (VPA) or by establishing commercial terms with a future developer or seniors housing/ aged care provider.

The PP for 'seniors housing' the site raises a number of environmental planning issues that will need to be addressed in detail and managed in a future DA for the detailed design and construction of future seniors housing and adjacent public recreation space. These environmental planning issues include:

- visual impact;
- scale and form of development
- access,
- traffic and parking;
- interface with adjacent residential properties
- rail corridor and bushland reserve
- geotechnical stability;
- potential contamination;
- bushfire hazard protection;
- utility services infrastructure;
- ecological sustainability; and
- construction impacts.

These issues have been taken into consideration as part of this PP to the extent to which it is necessary and the detail available. This PP demonstrates the subject site has capacity to accommodate the proposed reclassification, rezoning and inclusion of height and FSR controls under the HLEP 2012 to enable the development of 'seniors housing' related land uses with appropriate management of environmental planning and design issues at the DA stage.

## Consultation with stakeholders to date

Council has previously undertaken a range of consultation activities which informed its 22 September 2010 resolution to proceed with rezoning and reclassifying the site for the purposes of seniors housing.

Following submission of the October 2016 PP, and in response to Council's resolution of 7 November 2016, Council undertook an extensive preliminary community consultation process with respect to the PP. Community consultation was lead by an independent specialist, Elton Consulting. The public consultation program was delivered from November 2016 to February 2017. Three Community Information and Feedback Sessions, a community survey and a phone survey were delivered as part of the community consultation. This represented the next steps in an ongoing dialogue with the community about the potential redevelopment options for this site. Submissions were invited from the community between 23 November 2016 and 5 February 2017. Outcomes of the engagement process are discussed later in this PP and provided within Appendix T and Appendix U.

Further independent assessment of the community engagement process was undertaken by Cred Consulting, with their findings provided as Appendix V.

Feedback from the community consultation process has led to further investigations being undertaken with respect to the safety of access in the event of a potential bushfire event, with a particular focus on ecological impacts. These investigations undertaken by ecology and hazards experts Molino Stewart are provided as Appendix L of this PP.

Georges River Council has not yet consulted State or Commonwealth authorities or the local community. It is anticipated that the planning authorities in Georges River Council and Department of Planning and Environment will arrange for consultations with relevant public authorities and the community in accordance with the provisions of the EP&A Act and Regulation as the next step in the planning process.

In addition to the above, Council also intends to involve the local community in refining place making elements reflected in concept plans prepared by Ansell Strategic at Appendix A for delivery on RE1 zoned land adjacent to the site.

# 1. Part 1: Objectives and Intended Outcomes

This PP seeks an amendment to the Hurstville Local Environmental Plan 2012 to enable the future redevelopment of the former Oatley Bowling Club site for the purposes of 'seniors housing'. The site is legally described as Lots 14 to 17 Section 3 DP 7124, and Lot 1 DP1159269 - Part River Road.

## 2. Part 2: Explanation of provisions

### 2.1 The Planning Proposal

The objectives and intended outcomes of the planning proposal are to:

- amend the Hurstville LEP 2012 to rezone and permit the development of the site for the purposes of ‘seniors housing’ with Council consent;
- reclassify the land from ‘community’ to ‘operational’ under the *Local Government Act 1993* to enable the land to be developed for the purpose of ‘seniors housing’;
- provide seniors housing to meet identified community need for seniors housing in accordance with the Georges River Council’s Community Strategic Plan 2025 and associated Delivery Program and Operational Plan;
- allow for a public recreation space on adjacent RE1 zoned land to serve as a community gathering place, inclusive of a community garden, reflective of the resolution of Council dated 22 September 2010 (Minute No. 303 CCL186-10);
- make more efficient and equitable use of an underutilised and strategically located land resource, which currently provides limited public benefit, in accordance with the relevant objects of the *EP&A Act* and provisions of the *Local Government Act 1993*;
- generate revenue for Council that will be used to offset already implemented improvements to Jubilee Park including a new community centre and recreational facilities, consistent with Council’s operational plan and the resolution of Council dated 22 September 2010 (Minute No. 303 CCL186-10);
- ensure that future development on the site is sustainable, and is capable of being accommodated on the site without unreasonable environmental impact as well as considered social and economic impact; and
- enable high quality sustainable design outcomes associated with the development of a seniors housing facility and public recreation space on the subject site to the benefit of the community.

This PP is to facilitate amendments to the HLEP 2012 for land reclassification, rezoning and introduction of maximum building height and FSR controls on the subject site. However, it should be noted that the intended effects of this PP also include land adjacent to the proposed rezoning and reclassification area. This will be to accommodate a public recreation space on the greater Former Oatley Bowling Club site area, on land that is located outside of the Myles Dunphy Reserve. The land on which this recreation space is intended to be provided is not specifically included within this PP as it is already appropriately classified and zoned for its intended purpose.

The future establishment of the open space is a key public benefit to be achieved as a result of this PP on adjacent Council-owned land, being the balance of the greater Former Oatley Bowling club site illustrated by the blue dashed line in Figure 1. Possible means of delivery of this key public benefit that will be explored at a later stage may include entering into a Voluntary Planning Agreement (VPA) or through establishing appropriate commercial terms with a future purchaser or developer.

Specifically, proposed amendments to the HLEP 2012 are outlined as follows:

**1. Reclassify the site from ‘community land’ to ‘operational land’.**

The proposed reclassification is necessary to enable the future use of the site for the purpose of ‘seniors housing’.

**2. Rezone the site from RE1 Public Recreation to SP2 Infrastructure with the designated use of ‘seniors housing’.**

The proposed land use zoning will allow for the future development of ‘seniors housing’ on the subject site, which would enable a variety of styles of seniors accommodation such as retirement village and residential care facilities to be provided on the site, depending on identified local needs. The definition of ‘seniors housing’ provided within the HLEP 2012 is as follows:

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for:
  - (e) seniors or people who have a disability, or
  - (f) people who live in the same household with seniors or people who have a disability, or
  - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,  
but does not include a hospital.

**3. Amend the height of buildings map (tile 6) to introduce a maximum building height of 18.5m, where no maximum building height is currently provided for.**

The proposed building height is intended to enable the future development of a ‘seniors housing’ facility of a sufficient scale to ensure its feasibility, whilst addressing key site constraints such as bushfire, which limits the development of such a facility to the north west corner of the site. This is demonstrated by the Ansell concepts which are presented in the following sections of the report.

**4. Amend the floor space ratio map (tile 6) to introduce a maximum FSR of 1.2:1, where no maximum FSR is currently provided for.**

The proposed FSR is intended to enable the future development of a ‘seniors housing’ facility of a sufficient floor area to ensure its feasibility. Consistent with the 5 June 2017 resolution of Council, the FSR of 1.2:1 allows for the intended GFA of 6,020m<sup>2</sup> to be achieved within a site area of 6,260m<sup>2</sup>.

## Indicative Concept Plans

To better understand the potential of the site to be developed for ‘seniors housing’ and for a public recreation space to be provided on adjacent RE1 zoned land, Council engaged Ansell Strategic to prepare a feasibility study for the site, which has been included as Appendix A. In this feasibility study, Ansell Strategic considered key site opportunities and constraints, and has prepared an indicative development concept of a seniors housing facility and a public recreation area, which includes a community garden and car parking for the use of both seniors housing and general public.

It is noted that the area intended for use as a public recreation space does not require rezoning or reclassification as the intended outcome is achievable under the current ‘community’ classification and RE1 zone.

The concept plans are not intended to reflect an exact outcome for the site as this PP does not seek approval for physical development. The concept outlined in this section represent the first step in a more detailed design and consultation process with the broader community.

The concepts seek to illustrate the envisaged outcome that could realistically be achieved as a result of the proposed zoning, classification, height and floor space ratio controls proposed within this PP and to test feasibility of the concept in light of key site constraints. These concepts seek to demonstrate how the planning objectives for the site sought by Council can provide an appropriate balance between the use of the site for ‘seniors housing’ as well as for complementary public purposes such as a recreational space on adjacent RE1 zoned land. The indicative concept is illustrated in Figures 3-5.

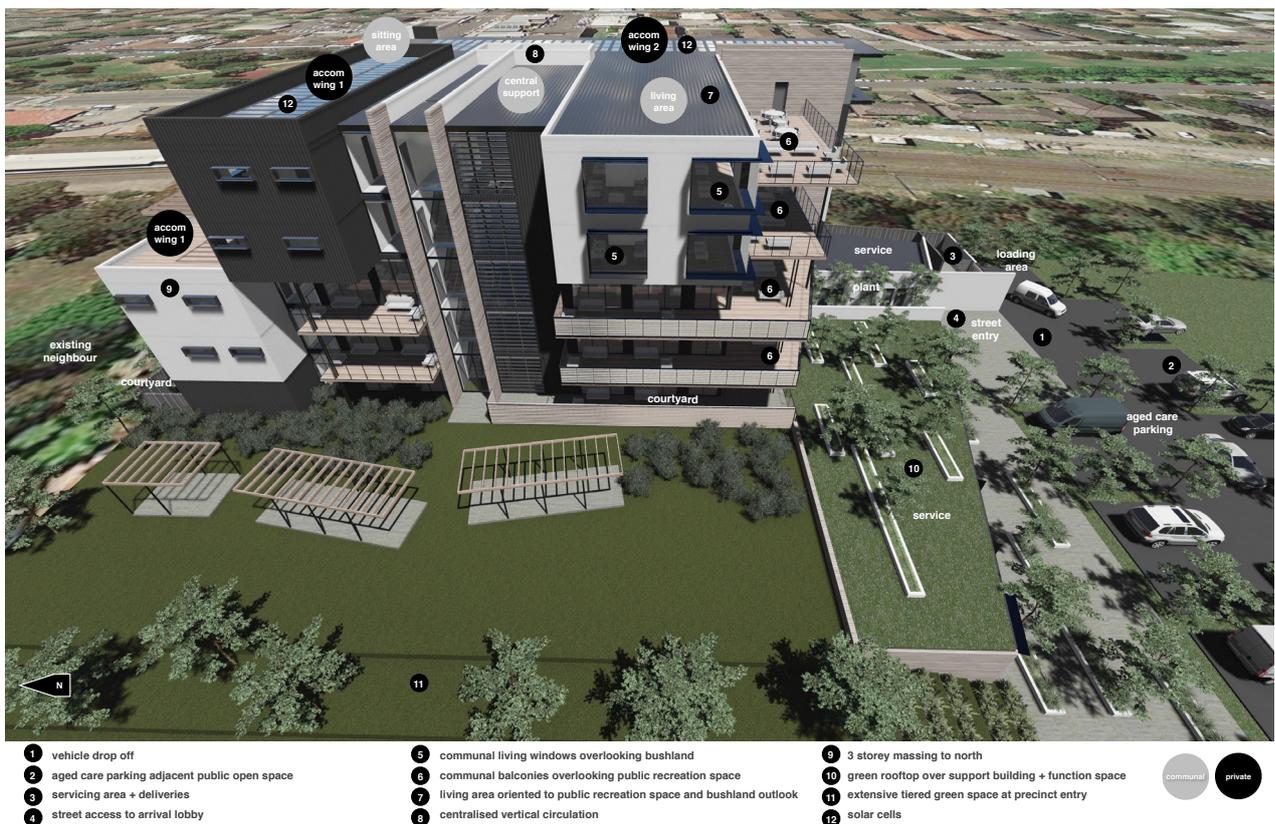


Figure 3. Indicative Concept - Schematic overview of seniors housing component (Source Ansell Strategic)



Figure 4. Indicative Concept - Artists Impression of potential built form/public realm outcome as viewed from River Road (Source Ansell Strategic)

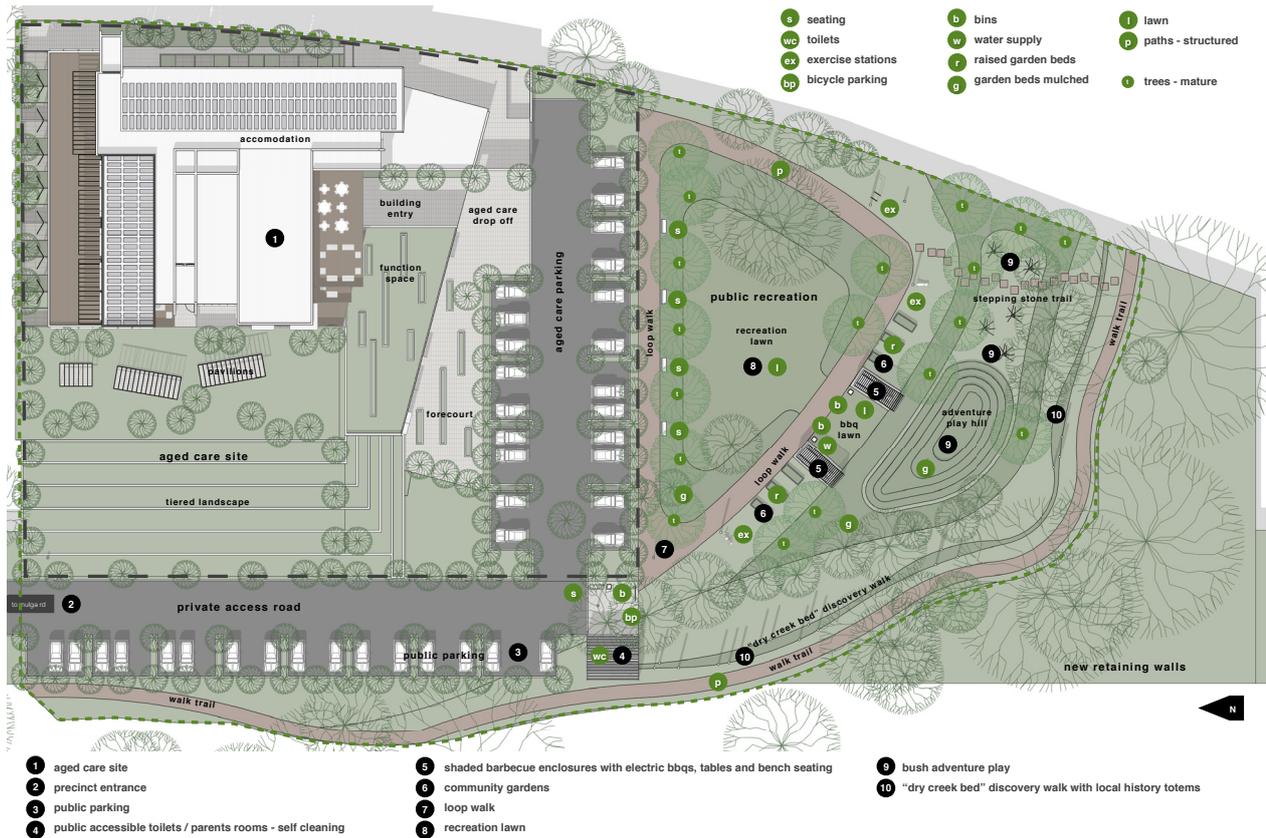


Figure 5. Indicative Concept - site plan (Source Ansell Strategic)

## 2.1.1 Principles inputting into indicative concept

The indicative concept prepared by Ansell Strategic is based on the following key planning, design and public benefit principles:

- to provide for seniors accommodation and services within a community with an increasing ageing population at the north east corner of the site taking into consideration existing site constraints, in particular, bushfire;
- to include a public recreation space as a key public benefit in the locality on adjacent RE1 zoned land. This space would be accessible in perpetuity and include a community garden to cater for the needs of seniors within the subject site, their families and the wider Georges River community to reflect the resolution of Council on 22 September 2010;
- to allow for a public recreation area on adjacent RE1 zoned land that will consist of a wide range of place making features available, in perpetuity, to all members of the community and will provide greater accessibility to and connection with the adjacent Myles Dunphy Reserve;
- to introduce public car parking to a portion of the site to improve accessibility to the Myles Dunphy Reserve without encroaching into or impacting on the reserve itself; and
- transform and reinvigorate a site, which is currently not intended to be freely accessible and which presently provides limited public benefit to the community into a multipurpose destination that will benefit a diverse local community.

Council is committed to ensuring that any future development of the site appropriately responds to the community needs and to the unique location adjacent to the Myles Dunphy Reserve. In this regard, Council will ensure the provision of a public recreation space on adjacent RE1 zoned land to complement a future seniors housing facility on the subject site. The key place making elements that Council could seek to establish within a landscaped public recreation area on the site may include the following:

- » a community garden;
- » children's play ground/ nature play;
- » barbeque areas;
- » new and enhanced walking trails,
- » lawned picnic areas;
- » public toilet facility including parent / baby change facilities;
- » discovery walk/ local heritage interpretation;
- » shade structures, picnic tables and seating;
- » tree retention where possible/ feasible;
- » new tree planting across the site;
- » tree shaded public car parking;

A way of delivering the above outcomes may be through a Voluntary Planning Agreement (VPA) or by establishing appropriate commercial terms with a the future purchaser/developer of the seniors housing element. Council intends to refine these place making opportunities in conjunction with a broader community engagement process that will be in place once the principle of rezoning the land has been accepted and more detailed design development is undertaken.

Based on the achievable building envelope, as demonstrated in the concept plans, it is anticipated that the seniors housing would include a 5 storey seniors housing/residential care facility assuming:

- accommodation in the order of 70-80 beds with associated ancillary support facilities;
- provision for ambulance parking; and
- shared access way, drop off zones and a total of 54 car parking spaces including parking for public use of recreation pace to be provided on adjacent RE1 land.

## 2.1.2 Issues taken into consideration in concept design

A major constraint on the site, given its location adjacent to Myles Dunphy Reserve, is bushfire. This has been a critical element and matter for consideration in planning and designing for the site. Due to bushfire constraints discussed in Section 3.2.5.5 of this PP, 'seniors housing' could not be accommodated across a significant proportion of the site, with habitable components of a 'seniors housing' facility restricted to a small area of approximately 2,032m<sup>2</sup> at the north east corner of the 'greater Former Oatley Bowling Club site area'.

The previous October 2016 PP noted that bushfire constraints necessitated a development approach that results in the need for a more compact built form to be focused at the north east corner of the site, rather than a lower scale built form that covers a greater site area. Given the limited site area available to accommodate built form of a greater building height in a smaller portion of the greater site area is required to make the seniors housing component feasible. As such, following on from the Council resolution of 7 November 2016 and a subsequent resolution on 5 June 2017, this has informed a reduction of the rezoning and reclassification area given seniors housing uses are not able to be accommodated on a significant portion of the greater site area and the public recreation space can be delivered as intended within the existing 'community' classification and RE1 zoning.

In reducing the area that is subject to the PP, Council's intent to provide a public recreation space on RE1 zoned (and community classified) land adjacent to a future seniors housing facility remains unchanged. This recreation space is intended as a key public benefit that can be delivered in conjunction with a seniors housing facility at a future point in time. This space is intended to include numerous place making features including a community garden. This space will complement the use of the site for seniors housing as well as providing a community gathering place on adjacent RE1 land that enhances the relationship of a future seniors housing facility on the subject site to the Myles Dunphy Reserve and provides greater accessibility to the natural bushland areas adjacent to the site. This provides an opportunity to restore a significant portion of the current underutilised 'greater Former Oatley Bowling Club site' back into the community.

In determining the appropriate height and FSR controls within this PP, consideration was given for ensuring a built form scale that is sympathetic to the local landscape. A key consideration is considering transition of height between the 5 storey form that would be achievable on the site under this PP and the lower scale residential buildings immediately north of the site.

This PP will enable the subject site, which currently provides no current functional role and limited value to the community, to be available for the public benefit for senior members of the community and their families.

The indicative concepts by Ansell Strategic provided at Appendix A have been prepared to align with the following considerations:

### **(a) Responding to site topography**

- Utilising the existing site topography following the higher ground to the north of the site and stepping down towards Myles Dunphy Reserve.
- Utilising the existing levels of the bowling greens that can provide a reasonably level building pad for the seniors' housing, whilst enabling the capture panoramic views to the natural surrounds.
- Where the elevated greens are not able to support built form due to bushfire constraints, there is an opportunity for these to be tiered down towards the access road to allow visibility and openness to the public recreation area and Myles Dunphy Reserve.

### **(b) Siting seniors housing building**

- Provision of seniors housing is defined by topography and bushfire requirements. These constraints require that the habitable component of seniors housing accommodation be restricted to the north east corner of the 'greater

Former Oatley Bowling Club site area'. Support services may be provided outside of the bushfire envelope, which the indicative concept provides for directly to the south of the habitable areas of the 'seniors housing' component.

- Ansell notes that a measured demarcation line on a CAD survey drawing would be required at concept, schematic and detailed design stages to establish a precise envelope for habitable 'seniors housing' components. Further fire consultant input would also be required regarding separation of uses across the demarcation line.

#### **(c) Sharing site access**

- Sharing of vehicle access between the seniors housing site and the public recreation space via a common driveway to minimise the extent and impact of roads on the precinct and to enable site planning of the seniors housing and public recreation facility to be designed and delivered on a whole of site basis.
- Pedestrian / bicycle circulation encouraged to the west of the access road away from a future seniors housing development site and to facilitate integration of public recreation elements with the wider Myles Dunphy Reserve.

#### **(d) Precinct planning and landscape**

- Bushfire constraints restrict built form to the north east corner of the greater site area, which has the benefit of maximising the continuity and generosity of open space/ landscape in the remaining precinct. This is a benefit of the limited habitable 'seniors housing' area resulting from bushfire constraints, and ensures new built form is collocated adjacent existing residents, rather than into the parkland. It also enables a smaller rezoning and reclassification footprint for the purposes of this PP.
- Driveways and parking reflected in the indicative concept plans are structured and rectilinear to minimise the asphalt footprint within the precinct and to ensure as much space as possible is dedicated to public recreation in a car free area.
- The indicative concept plans position public amenities (toilets, barbecues, shade structures) at the edge of the car park and a short walk from the public recreation space for ease of access to picnic areas and the car park.
- Opportunity for free-form and organic pedestrian circulation within the public recreation area, utilising existing worn paths and trails within the landscape while taking advantage of existing tree canopies and topographical features where possible.

#### **(e) Access and parking for seniors housing and public recreation**

- Potential for a clear and direct vehicular access to the public recreation space, and extending the tree canopy into parking areas to reduce heat banking in summer months.
- Provide public parking at the first point of arrival, and create distinction between public parking and seniors housing parking through signage.
- Parking for seniors housing to provide car bays for aged care staff, aged care visitors, residents, and delivery / service vehicles.
- Delivery vehicles and aged care emergency vehicles located away from the public parking areas to prevent conflicts of use.
- Drop off is possible directly to the aged care forecourt in front of the entry doors as reflected in indicative plans. Accommodating larger vehicles such as buses may require a three point turn, which can be refined as a part of a detailed design process.

#### **(f) Interfacing of land uses to minimise potential conflict**

- Incorporating a reduced scale of built form for the seniors housing building adjacent to the existing low density residential buildings at the northern boundary of the subject site.
- Providing clear delineation between the seniors housing and the public recreation components of the site, with the ability for access to the public recreation site to be provided in perpetuity.
- Seniors housing support services (plant areas, laundry, loading area, service yard) within the indicative concept are located at the far east end of the site away from the residential properties to the north of the subject site and the main public recreation area.
- Elevating residents' accommodation one or more storeys above the public recreation space to minimise privacy and security issues, whilst also providing resident communal balconies overlooking the public recreation area allowing better visual amenity and passive surveillance of the adjacent public realm.
- Providing boundary fencing to the northern boundary (separating seniors housing residents' private courtyards from adjacent residential lots), to the eastern boundary (adjacent the railway) and around the service enclosure (for security and visual screening purposes).
- Providing open boundaries (i.e. no fencing) the south or west boundaries of the site to enable connection of the public recreation area and public parking with the wider Myles Dunphy Reserve as well as allowing for access in perpetuity to the adjacent public recreation space.

#### **(g) Services and infrastructure**

- An existing sewer line runs diagonally through the subject site, which will require further investigation as a part of a detailed design stage to determine exact depth and alignment as well as potential for realignment, relocation or collocation.
- While the indicative built form would be located directly adjacent an existing residential precinct providing availability of services, further investigation will be required with respect to infrastructure / services locations, availability, connection points, capacity, easement and access requirements with respect to lighting, power, communications, water supply, drainage and waste services.

## 3. Part 3: Justification

### 3.1 Section A – Need for the Planning Proposal

#### 3.1.1 Is the planning proposal a result of any strategic study or report?

This PP to rezone and reclassify the site and add maximum height and FSR controls is to facilitate the development of seniors housing and facilitate the creation of a public recreation space on adjacent land, is consistent with:

- Hurstville Community Strategic Plan 2025 and associated Delivery Plan 2014 -2018 and Operation Plan.
- Hurstville Positive Ageing Strategy.
- Ansell Strategic - Market Assessment/Needs Analysis Report - December 2015, which confirms strong demand for aged care services in the locality.

The PP aligns with Council's strategic intent for the site confirmed in the minutes of Council's meeting held 22 September 2010 to establish land use permissibility that provides for both seniors housing on the subject site and a community gathering place in the form of a public recreation space intended to be delivered on adjacent RE1 land.

##### 3.1.1.1 Hurstville Community Strategic Plan 2025

The Hurstville Community Strategic Plan 2025 identifies the strategic need for seniors housing in the locality. The associated Delivery Plan 2014 - 2018 and Operational Plan identify the specific opportunity for the redevelopment of the site for seniors housing with generated revenue to be used for other community and recreation facilities. This is described further in Section 3.2.3.1.

##### 3.1.1.2 Hurstville Positive Ageing Strategy

Georges River Council's Positive Ageing Strategy provides a framework to support Hurstville's ageing population. The strategy seeks to manage changes associated with an ageing population to facilitate the positive ageing for seniors within the community. The strategy acknowledges the need to provide for "independence, opportunities for self-care, the availability of care and support services when needed, a sense of well-being, motivation towards a purpose, a sense of being valued, the ability to contribute and the freedom to pursue those things of greatest interest and satisfaction." The contribution of this PP towards implementing this strategy is discussed in Section 3.2.3.2 of this PP.

##### 3.1.1.3 Ansell Strategic - Market Assessment/Needs Analysis Report - December 2015

Specialists consultant Ansell Strategic was engaged to assist Council with the evaluation of the demand for aged care/retirement living services. Their complete findings are discussed further in Section 3.2.3.3 and also included as Appendix B.

### 3.1.1.4 Outcomes of Council Meeting 22 September 2010

At its ordinary meeting of Council held 22 September 2010, Council resolved the following:

THAT Council acting as land owner, submits as soon as possible, an application to rezone to Residential and reclassify to Operational Land the former Oatley Bowling Club site for the purpose of making seniors housing permissible with development consent on the site and enabling the Council to lease the site to a lessee for use for the purpose of seniors housing subject to development consent and all other necessary approvals being obtained.

THAT, Council acting as land owner, ensures that any seniors housing development of the site includes a community meeting facility and community garden for general public use.

THAT, funds from the lease be directed towards the upgrading of Jubilee Park, Mortdale including the construction of a Community Centre.

FURTHER THAT prior to submitting an application to rezone and reclassify the site that Council consult with Kogarah Council, engage an access consultant to report on grades and pathway widths, the proposal goes to the Access Committee, and investigate and report on alternative solutions to overcome excessive grades and narrow pathway widths and to ensure that constraints of excessive grades can be feasibly overcome and to prepare a specific plan of management for the Myles Dunphy Reserve.

This PP seeks to deliver upon to the above resolution of Council. It seeks to establish an SP2 zone with the designated uses of 'seniors housing'; reclassify the site from 'community' to 'operational'; and to introduce appropriate height and FSR controls. This will enable the delivery of intended outcomes that align with the above resolution of Council. These amendments will establish land use permissibility that enables seniors housing to occur on the site.

The proposed public recreation space on land adjacent to the subject site is achievable under the current 'community' classification and existing RE1 zone for that land.

This PP is consistent with the resolution that it will facilitate a new opportunity for a public recreation space to be provided on adjacent RE1 land, inclusive of a community garden that will provide an attractive destination for community activity, interaction and gathering. As no zoning or classification change is necessary for delivery of the public recreation space, this PP will not directly facilitate this outcome. However, this public benefit can be delivered in conjunction with a future seniors housing development on the subject site. Possible means of delivery that will be explored at a later stage may include entering into a Voluntary Planning Agreement (VPA) or through establishing appropriate commercial terms with a future purchaser or developer.

It is noted that since this resolution of Council, Hurstville and Kogarah Councils have amalgamated and are now known collectively as the Georges River Council. As this merger has occurred, this PP reflects the strategic intent of Council and satisfies the requirement for consultation with Kogarah Council.

In response to the resolution's request to consider access, a transport and access assessment has been prepared by GTA and is provided as Appendix C. This confirms key matters to be addressed to ensure appropriate accessibility to the site for its intended purpose. Any additional detail can be appropriately addressed as a part of a detailed design and development application process.

### 3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP seeks to amend the land use zoning applying to the site to enable the development of 'seniors housing' under the HLEP 2012. A number of land use alternatives were considered in the preparation of this PP. These are discussed in detail in section 3.2.5.6. This demonstrates that the SP2 zone with the designated use of 'seniors housing' and introduction of nominated height and FSR controls is the most appropriate means of achieving the strategic intent for the site without opening up potential for unintended outcomes to occur on the site.

The PP also seeks to reclassify the land from 'community land' to 'operational land' under the *Local Government Act 1993*. This reclassification is required to be able to facilitate the future use of the site as a seniors housing facility, which cannot be developed on 'community' classified land. An LEP amendment is considered an appropriate mechanism for such reclassification to occur, noting the outcome of the 22 September 2010 meeting of Council included a resolution for this reclassification to occur.

## 3.2 Section B – Relationship to Strategic Planning Framework

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

### 3.2.1.1 A Plan for Growing Sydney

The relevant metropolitan strategy relating to the proposed development is *A Plan for Growing Sydney* released by the NSW Department of Planning and Environment in December 2014. The plan identifies growth projections from a whole of Sydney perspective.. The strategy seeks to achieve the following outcomes for Sydney:

- Goal 1: A competitive economy with world-class services and transport.
- Goal 2: A city of housing choice, with homes that meet our needs and lifestyles.
- Goal 3: A great place to live with communities that are strong, healthy and well connected.
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The plan aims to better connect people to strategic centres and in doing so, connecting people to jobs, education facilities, health centres and hospitals and sporting, cultural and entertainment facilities. The Plan is guided by three planning principles:

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas
- Principle 2: Stronger economic development in strategic centres and transport gateways
- Principle 3: Connecting centres with a networked transport system.

Relevant to this PP is the following key action:

#### **Action 1.11.3: undertake long-term planning for social infrastructure to support growing communities**

Providing social infrastructure where and when it is needed is important to the daily lives of residents in areas experiencing growth. It also helps people to feel connected with their local community. Social infrastructure can include police stations, libraries, child care centres, community centres, open space and recreational facilities.

To implement the directions in *A Plan for Growing Sydney*, a number of priorities apply to identified sub regions. Oatley is located in the south sub region of the plan, which comprises the following local government areas: Canterbury, Hurstville, Kogarah, Rockdale and Sutherland. The Plan recognises the South subregion's diverse urban areas, waterways and bushland; its opportunities for local employment growth and infrastructure development. The Plan stipulates support for Hurstville and Kogarah by increasing capacity for additional mixed-use development including offices, retail, services and housing. The following key priority for the south subregion is relevant to this PP:

### **Accelerate housing supply, choice and affordability and build great places to live**

Work with councils to identify suitable locations for housing intensification and urban renewal, including employment agglomerations, particularly around Priority Precincts, established and new centres, and along key public transport corridors including the Illawarra Line, the South Line and Sydney Rapid Transit (along the Bankstown Line).

The PP will result in greater diversity of housing choice immediately adjacent to the Illawarra Line and Oatley train station specifically for seniors. It will enhance the provision and accessibility of a public recreation space in a manner that complements that natural bushland setting of Myles Dunphy Reserve.

The PP is consistent with the key principles and goals in *A Plan for Growing Sydney* and South Subregion priorities. It will enable the future development that will generate economic activity and employment in the construction industry in the first instance with further flow on community benefits resulting from service and employment opportunities associated with the seniors housing use. This PP is to enable 'seniors housing', and will be complemented by the delivery of a public recreation space on adjacent RE1 land in close proximity to a local centre and major rail transport infrastructure. The PP therefore provides for the social needs and inclusion of seniors as well as the wider community of Oatley and the Georges River LGA.

## 3.2.2 Draft South District Plan

Oatley is identified in the Greater Sydney Commission's South District Plan 2036, which outlines a 20 year vision, priorities and actions for the South District.

The plan envisages:

"By 2036, people living in the South District will have greater access to healthier rivers, bays, beaches and bushland. Increased tree cover will better integrate urban areas with these natural areas. People will have access to a greater number of parks and playing fields, particularly in northern communities, and safe walking and cycling links. This culturally diverse community ... will thrive as new food and dining hubs and community events spread a new energy throughout the District...

...With planned investments, Sutherland Hospital and private hospitals in Hurstville will create employment in health care and allied services. Protecting land for existing employment and urban services will provide opportunities for start-up businesses and allow jobs to grow in the urban services that support the District.

The draft District Plan notes that the Georges River Local Government Area will see significant increase in people aged over 65. The PP is consistent with following aspects of the draft District Plan:

- 4.2 Liveability priorities, which seeks to improve housing diversity and affordability by supporting planning for adaptable housing and aged care.
- 4.4.1 Plan for housing diversity, which notes that the South District's projected growth in people aged 65 and over in the South District means that there must be more emphasis on planning for housing diversity particularly seniors housing and aged care options that allow people to age in place.
- 4.4.2 Support planning for adaptable housing and aged care, which notes the best way to provide seniors housing and aged care is to co-locate them in places that have a mix of different uses and services, with good quality footpaths and pedestrian connections that make it easy for people to meet their day to day needs, or visit health services and community and cultural facilities.
- 4.8 Respond to people's need for services, which notes the full range of service needs must be realised including child care, schools, hospitals, health centres and aged care.

In delivering land for seniors housing, the PP will assist Council and the NSW government to deliver key priorities relating to the ageing population.

### 3.2.3 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

#### 3.2.3.1 Hurstville Community Strategic Plan 2025

Council adopted the Hurstville Community Strategic Plan 2025 (HCS 2025) at its meeting on 3 June 2015. HCS 2025 is an overarching and primary document underpinned by a suite of plans, reports and reviews that make up the integrated planning process. It sets clear strategic directions and provides a blueprint for building the future of Hurstville.

The document comprises two parts:

**Part A: 10 Year Community Strategic Plan, which outlines** Community Issues, Strategies and Performance Measures.

**Part B: 4-Year Delivery Program (2015-2019) 1-Year Operational Plan (2015-2016)**, which outlines Council Actions to address Community Issues and Performance Indicators, Measures and Targets for 2015-2016 and Responsible Sections.

Part A of HCS 2025 contains 'four pillars' guiding the strategic direction of the Council which form a quadruple bottom line, namely 'social and cultural development', 'environmental sustainability', 'economic prosperity' and 'civic leadership'. The following 'social and cultural development' actions are relevant to this PP:

- Social and Cultural Development – Creating a diverse, harmonious and inclusive City that provides a range of social, cultural, educational and leisure opportunities.
  - A.3 Aged Care – Improving aged care facilities and services to the elderly
  - A.3.2 – Promote the provision of quality aged care facilities and services to meet demand, including the provision of sites

The PP seeks to permit development for the purposes of seniors housing on the subject site. This is consistent with the actions and objectives of HCS 2025 in relation to social and cultural development. Action A.3.2 specifically seeks the promotion and provision of quality aged care facilities and that the Council should seek to cater to the elderly population of the now Georges River LGA. Section 3.2.3.3 of this PP provides additional detail demonstrating the growing elderly population in the locality and the considerable need for seniors housing in the locality.

The following 'economic prosperity' actions are relevant to the Planning Proposal:

- Economic Prosperity – Increasing Hurstville's level of income and capital, and distributing this wealth to the community in the form of local facilities, services and jobs.
  - C.1 Town planning – Address town planning issues that result from an increasing population
  - C.1.1 Ensure that Council's Local Environmental Plans and Development Controls Plans meet current and future population and employment needs (e.g. area reserved for residential, industrial or commercial development as well as parks and recreation areas).
  - C.1.3 Plan for and provide infrastructure that supports Hurstville's economic, employment and environmental needs.

The PP seeks to permit development for the purposes of 'seniors housing' on the subject site is consistent with the actions and objectives of HCS 2025 in relation to 'economic prosperity'. Action C.1.1 specifically requires that the Council ensures its LEP and DCP plan for current and future population, and this inherently includes elderly persons. Given the already established ageing population of the now Georges River LGA and the need to plan for more land capable of accommodating not only seniors housing, but residential development in general, it is considered that allowing this form of development to occur on the subject site is in keeping with the 'economic prosperity' actions of HCS 2025.

The Delivery Program and Operational Plan within Part B of HCS 2025 have been developed from the issues, actions and performance indicators developed in HCS 2025. At the basis of the Plan is Council's continued commitment to deliver operational, business and activity programs as developed by the community.

A key action of the Social and Cultural Development component of the 4 Year Delivery Program is the following, which relates to this PP:

Action A.3 – Aged Care - Improving aged care facilities and services to the elderly

A.3.2 - Promote the provision of quality aged care facilities and services to meet demand, including the provision of sites.

A.3.2.a - Develop and manage Oatley Seniors Living Facility rezoning and reclassification process to completion. Negotiate development agreement and lease with developer. Commence road closure and consolidation of site.

A.3.2.b Assess strategic planning component for the former Oatley Bowling site for seniors housing and community room.

A.3.3.b Implement the Positive Ageing Strategy. Implement an annual program of events and activities for seniors and nursing homes and recognising the needs of the multicultural and diverse senior community.

The Delivery Program and Operational Plan reiterate the importance of the social and cultural development and the provision of more aged care facilities in the now Georges River LGA as contained within the Hurstville Community Strategic Plan 2025. As such it is considered that the Planning Proposal is consistent with Georges River Council's Delivery Program and Operational Plan.

Section 1 of the delivery program states the following:

"The recent community survey conducted by Woolcott Research identified the lack of seniors living options as a significant concern of residents in the area. Demographic trends confirm that an ageing population will exacerbate this situation into the future. To help meet this need, a planning proposal is being prepared to rezone and reclassify Council's property at River Road, Oatley West adjacent to the railway line and Myles Dunphy Reserve for development as an aged care facility. Should this proposal be approved, the site will be taken to market for that purpose. The proceeds are intended to partially fund the new community centre and open space development at Jubilee Park."

The funds will be used to offset costs for already implemented improvements to Jubilee Park including a new community centre and recreational facilities, as per the 22 September 2010 resolution of Council.

### 3.2.3.2 Hurstville Positive Ageing Strategy

Georges River Council's Positive Ageing Strategy was developed in consultation with local residents to develop a vision for wellbeing of the now Georges River LGA's older residents. The strategy was developed through Council's recognition for the need to support older persons and to provide a range of facilities, resources and activities for older people in the Hurstville area. The Strategy aims to undertake community development and social planning to enable greater interaction and independence for older persons. The strategy notes:

Approximately 80,000 people live in Hurstville (The Australian Bureau of Statistics charts the 2009 population at 79,648) and this number is growing. The population is ageing with more than 20% of people aged over 60 years, compared to an average of 16.7% for the entire Sydney metropolitan area. This means that around 16,000 Hurstville residents are currently over 60 years and the number is growing. The percentage of older persons will increase at a faster rate than previously as the 'baby boomer' generation (those born between approximately 1946 and 1964) increasingly move into the older age group.

The Strategy provides a 10 point plan outlining Council's commitment to positive ageing, which is summarised as follows:

- 1. Positive Ageing:** promote positive and proactive ageing strategies with older persons and those who are in any way involved with older persons.
- 2. Image:** work actively to promote a positive image of older people including providing the community with an increased understanding and appreciation of the benefits of diversity within our community.
- 3. Empowerment:** provide opportunities for older people to feel empowered and which allow the active participation of older people in community processes and give them access to decision-making forums.
- 4. Information:** advocate to ensure that older persons receive adequate information and that individuals and organisations in the community provide older persons with essential information and receive and act on feedback.
- 5. Health:** advocate to ensure that the sometimes more complex health needs of older persons are met through adequate community medical and care services and facilities.
- 6. Housing:** work to develop and improve the information available on housing options and facilities for older persons.
- 7. Mobility:** advocate for the development and improvement of public and private transport options in order to enhance the general mobility of older persons.
- 8. Environment:** work to provide a safe and secure environment for the older person living in or visiting Hurstville.
- 9. Work:** advocate to ensure that older persons are not disadvantaged or discriminated against in the workplace or the business environment and can continue to develop their work and business skills.
- 10. Recreation:** we will develop and improve opportunities for older people to continue, enhance and share their education, skills, arts, hobbies and other interests.

Of the above strategies, the most relevant to this PP is housing. The Strategy notes that relocation to accommodation dedicated to seniors such as independent living units and residential aged care facilities as an increasing trend. In order to support access to appropriate housing for seniors, the Strategy states:

"Council will support opportunities for the provision of more housing suitable for an ageing population. The provision of appropriate housing for older persons will encourage these valuable members of our community to remain in Hurstville. Since research has shown that the majority of residents would prefer not only to stay in Hurstville, but also in their own neighbourhood, this is a very desirable outcome."

To achieve this, the Strategy notes the following key action to be undertaken by Council:

"Promote the provision of quality aged care facilities and services to meet demand, including the provision of new sites."

This PP therefore directly assists Council in delivering the identified outcomes of this strategy by creating appropriately zoned land for the purposes of delivering 'seniors housing'.

### 3.2.3.3 Ansell Strategic - Market Assessment/Needs Analysis Report - December 2015

Ansell Strategic was engaged to assist Council with the evaluation of the demand for aged care/retirement living services as well as to ensure any potential facility could be developed. Their complete findings are included as Appendix B.

Ansell's initial review concludes that the site is suitable opportunity for seniors housing and will benefit from its close proximity to public transport, local services and amenities. Ansell undertook preliminary market analysis, which suggests that there is likely to be strong demand for aged care or retirement living services.

Ansell notes, given restrictions to the developable area for residential or seniors housing due to bushfire exposures on the site, the ability to develop a viable retirement village would be difficult. Taking these considerations into account and in their analysis of the site, Ansell recommended the use of the site for a high quality residential aged care (nursing home). TPG notes that the proposed SP2 zone with the designated use of 'seniors housing' would permit both a retirement village or residential care facility to occur on the site.

Ansell Strategic has undertaken a detailed review of the potential demand and market need for residential aged care services surrounding the subject site and concluded the following:

- There is currently a large proportion of ageing residents in the immediate area surrounding Oatley and the wider catchment area. Further, population forecasts for the catchment area expect this to continue to increase above state and national averages, indicating that there is likely to continue to be demand for aged care services in the longer term. Refer Figures 6-8.
- A review of the local competitor market indicates that local residents within the immediate area will be under-served by residential aged care options. Within the immediate area, residential aged care options are very limited with services either catering to a specific cultural or social group, or are dated aged care facilities. Refer Figure 8.
- Analysis of current competition indicates that nearly 90% of the residential aged care services (51 facilities) in the defined catchment area are located in the secondary and tertiary areas. While there are some new services in the secondary and tertiary catchment areas the majority of the options are older stock. Within the immediate area, residential aged care options are limited with services either catering to a specific cultural or social group, or are dated aged care facilities.
- Analysis of emerging competition also suggests that there are very limited new services being developed. While some existing providers have been able to expand their current operations, the combination of emerging competition and expanded current service offerings will not sufficiently meet the demand for aged care services within the area.

Ansell concludes that the subject site offers significant potential to develop residential aged care services to cater for unmet demand in the area.

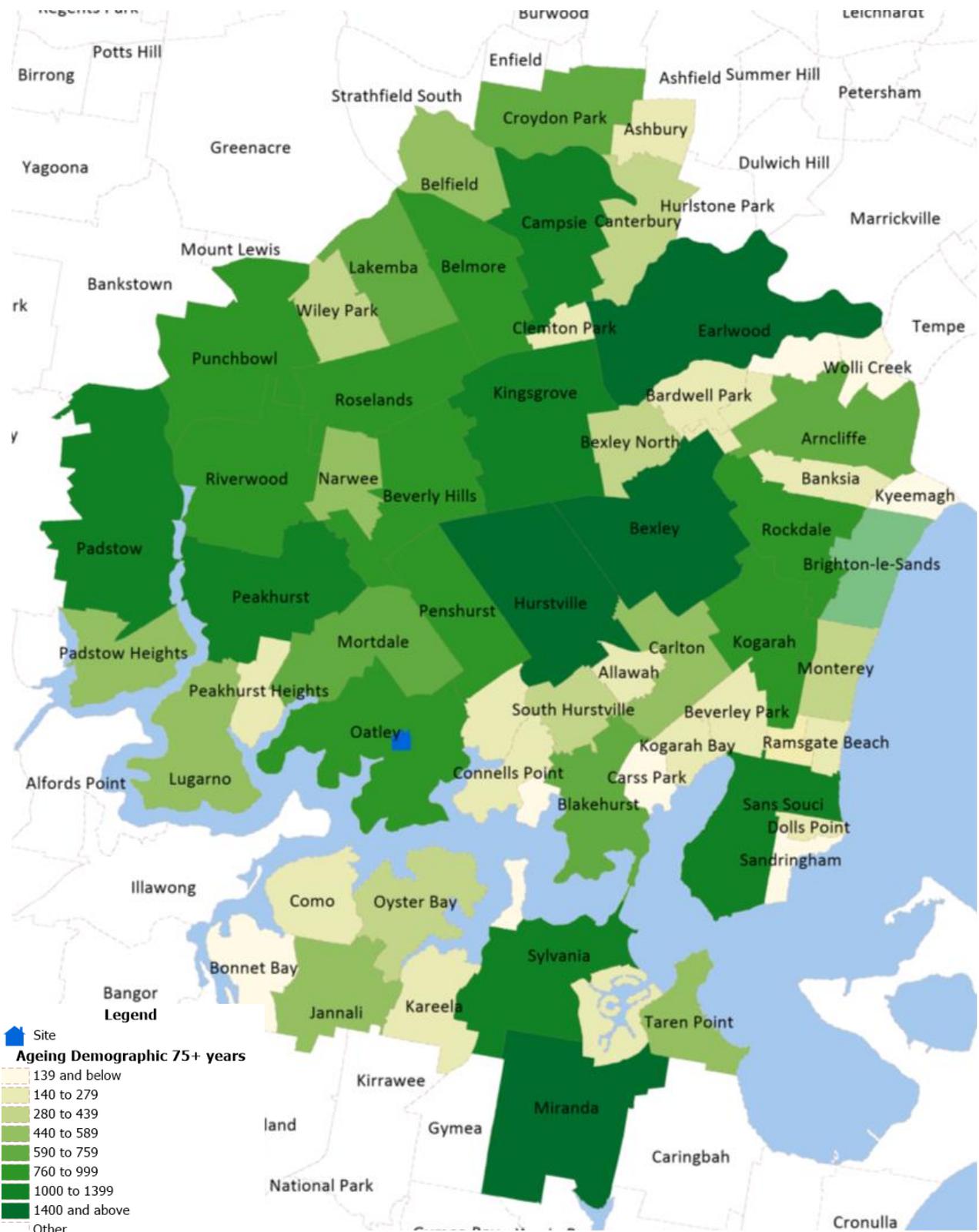


Figure 6. Population 75 years and over (Source Ansell Strategic)



Figure 7. Population 85 years and over (Source Ansell Strategic)

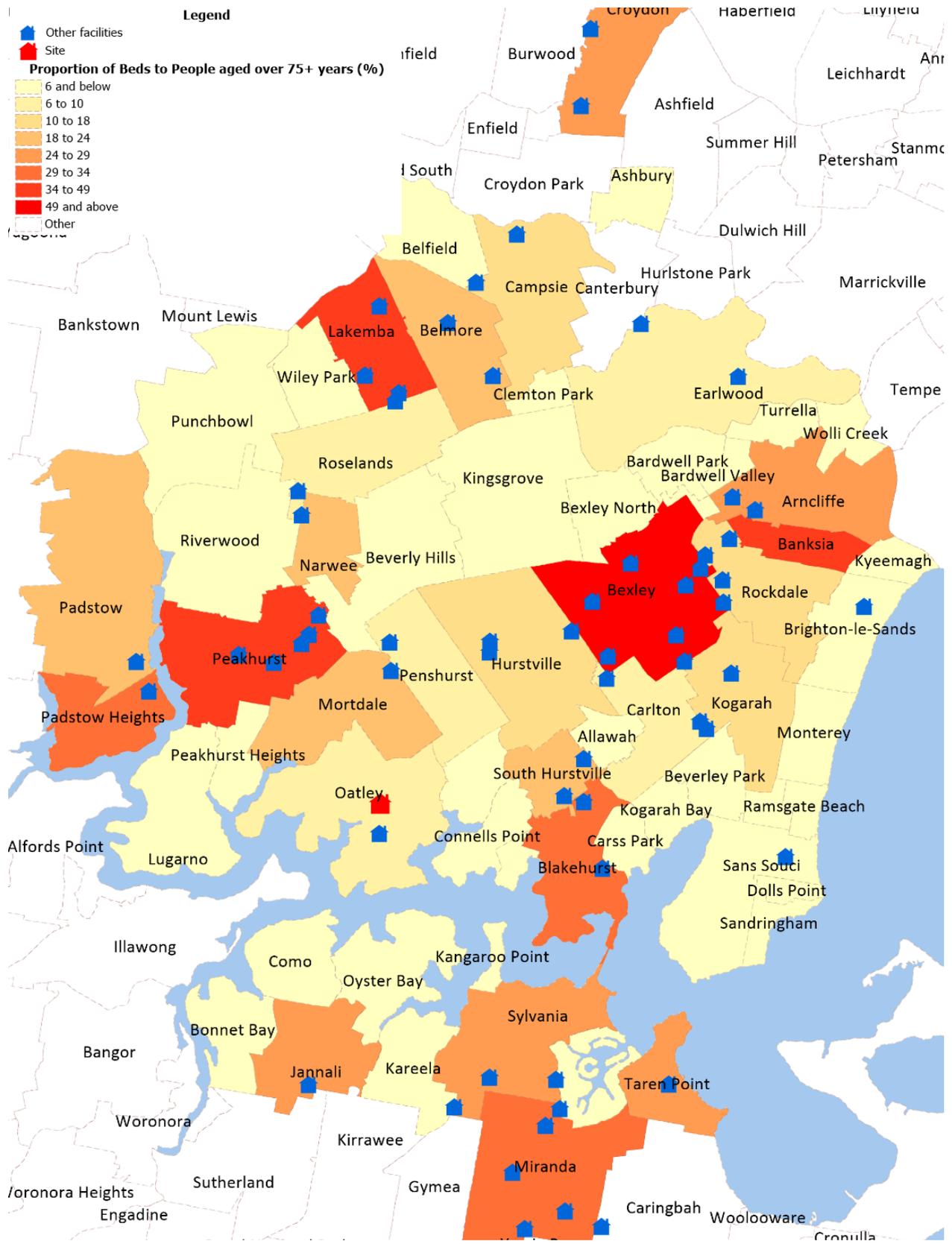


Figure 8. Existing Residential Aged Care Competition (Source Ansell Strategic)

### 3.2.4 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

A table of relevant State Environmental Planning Policies (SEPPs) is included in Appendix D. The SEPPs that need specific consideration are:

- State Environmental Planning Policy No 19—Bushland in Urban Areas;
- State Environmental Planning Policy No 32—Urban Consolidation;
- State Environmental Planning Policy No 55—Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007; and
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

#### 3.2.4.1 State Environmental Planning Policy No 19—Bushland in Urban Areas

SEPP 19 includes provisions relating to preservation of bushland in urban areas that need to be considered in this Planning Proposal given the adjacent bushland corridor of Myles Dunphy Reserve. Clause 10 of SEPP 19 states:

##### **10 Preparation of local environmental plans**

When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:

- (a) have regard to the general and specific aims of the Policy, and
- (b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.

2 Aims, objectives etc

(1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,
- (c) to protect rare and endangered flora and fauna species,
- (d) to protect habitats for native flora and fauna,
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,
- (f) to protect bushland as a natural stabiliser of the soil surface,
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,
- (h) to protect significant geological features,
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,
- (j) to protect archaeological relics,
- (k) to protect the recreational potential of bushland,
- (l) to protect the educational potential of bushland,
- (m) to maintain bushland in locations which are readily accessible to the community, and
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

'Bushland' is defined in SEPP 19 as "land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation."

The subject site has previously been cleared of natural vegetation other than around the boundary perimeters and a few remaining isolated native trees on site. The Planning Proposal to rezone, reclassify and introduce building height and FSR controls to the subject site, and the intent for the future delivery of a public recreation space on adjacent land will not have any significant effect on native vegetation on the site.

The adjoining Myles Dunphy Reserve contains native bushland and is the subject of the Myles Dunphy Reserve and Wetland Plan of Management, adopted by Council on 20 March 2013. An Ecological Constraints Analysis prepared by Molino Stewart Environmental and Natural Hazards Consultants is included at Appendix E. This report provides an assessment of the constraints likely to impact any rezoning of the development site and to change permissible land use from community to operational uses. Part of the constraints assessment included a comprehensive biodiversity assessment for the site and surrounding areas within the Myles Dunphy Reserve.

The PP to enable the future development of a seniors housing development and the future delivery of a public recreation space adjacent to the area of land proposed to be rezoned and reclassified on a presently unmanaged site will not detract from the value of the adjoining bushland reserve to the community as part of the natural heritage, its aesthetic value, or its value as a recreational, educational and scientific resource. The proposed land use is compatible with the local context and Myles Dunphy Reserve and Wetland Plan of Management. Therefore the PP is not inconsistent with this SEPP.

### 3.2.4.2 State Environmental Planning Policy No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP 32 includes provisions relating to suitability of underutilised urban land for multi-unit seniors housing that need to be considered in this planning proposal. Clauses 6 and 7 of SEPP 32 state the following:

#### **6 Identification of land for urban consolidation**

Each council must consider and the Minister must consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, whether it is suitable for redevelopment for multi-unit housing and related development in accordance with the aims and objectives of this Policy and whether action should be taken to make the land available for such redevelopment.

#### **7 Implementation of aims and objectives**

(1) Each council must, when preparing environmental planning instruments or considering development applications relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.

(2) The Minister must, when considering the making of environmental planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.

The aims and objectives of SEPP 32 that need to be considered under clauses 6 and 7 are as follows:

#### **2 Aims and objectives**

(1) This Policy aims:

(a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and

(b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:

(i) the location of housing in areas where there are existing public infra-structure, transport and community facilities, and

(ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and

(iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas.

(2) The objectives of this Policy are:

(a) to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and

(b) to ensure that any redevelopment of urban land for multi-unit housing and related development will result in:

(i) an increase in the availability of housing within a particular locality, or

(ii) a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and

(c) to specify:

(i) the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and

(ii) the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.

This Planning Proposal satisfies the provisions of SEPP 32 as it is for multi-unit housing for seniors in a location and on a site that is suitable for it with existing transport and utility infrastructure in place and local centres in close proximity.

### 3.2.4.3 State Environmental Planning Policy No 55 - Remediation of Land

Clause 6 of SEPP 55 states:

#### **6 Contamination and remediation to be considered in zoning or rezoning proposal**

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

(a) the planning authority has considered whether the land is contaminated, and

(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and

(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

A Phase 1 Contamination Assessment prepared by Douglas Partners is included in Appendix F. The assessment updated in 2016 had previously completed a Phase 1 contamination assessment of the site in 2006, titled Report on Preliminary Contamination Assessment, Oatley Bowling Club, Oatley - December 2006.

The assessment was undertaken for the greater site area and identifies the following potential sources of contamination:

- Potential application of pesticides and herbicides on the bowling greens;
- Potential PCBs associated with the electrical box found on the upper bowling green;
- Application of the uncontrolled filling to form and level the site with particular regard to the bowling greens;
- Potential presence of hazardous building material remaining after the demolition of the former bowling club building; and
- Contamination associated with fly tipping and the small filling stockpiles present at the site.

Phase 2 investigations undertaken by Douglas Partners in November 2016, provided at Appendix G note that while the site is not presently suitable for its future intended use, the site can be made suitable through the following recommended actions:

- Undertake a detailed geotechnical investigation, targeting primarily the deeper fill across the south and south-western portions of the site in order to determine an appropriate method of stabilising the currently uncontrolled deep fill, and forming an appropriate building platform for the proposed development;
- Develop a remediation action plan (RAP) to document the remedial and management actions required to render the site suitable for the proposed development. The RAP must be formulated around the preferred method of fill management, based on geotechnical requirements, and is likely to outline a preferred remediation strategy of fill retention and capping with a validated material;
- Implementation of a fill management plan based on geotechnical requirements, together with the requirements of the RAP; and
- Validation of the works.

Douglas Partners note that, given the identification of asbestos in the fill, a more detailed asbestos investigation could be undertaken in line with the procedures documented in NEPC (2013). Whilst the outcome is unlikely to change the requirement of capping the soils (given the sensitivity of the proposed land use) it will inform some of the details such as the lateral extent and thickness of the requirement capping layer.

Douglas Partners recommend any surplus soils required to be removed from the site must be initially waste classified in accordance with NSW Waste Classification Guidelines (2014). Based on current results Douglas Partners advise that it appears that the fill at the site will largely classify as Special Waste (Asbestos) or General Solid Waste (non-putrescible).

Given Douglas Partners' findings, the PP is consistent with SEPP 55 as the land can be made suitable prior to its proposed use for seniors housing. Any additional investigations and necessary remedial actions can be undertaken in conjunction with future detailed design and development processes.

#### 3.2.4.4 State Environmental Planning Policy (Infrastructure) 2007

The SEPP (Infrastructure) 2007 includes the following provisions for development adjacent to rail corridors that would apply to a future Development Application for housing on the site:

##### **85 Development immediately adjacent to rail corridors**

(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:

- (a) is likely to have an adverse effect on rail safety, or
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- (c) involves the use of a crane in air space above any rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and
- (b) take into consideration:
  - (i) any response to the notice that is received within 21 days after the notice is given, and
  - (ii) any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

##### **86 Excavation in, above or adjacent to rail corridors**

(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:

- (a) within or above a rail corridor, or

(b) within 25m (measured horizontally) of a rail corridor. or

(c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

(a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and

(b) take into consideration:

(i) any response to the notice that is received within 21 days after the notice is given, and

(ii) any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.

(4) In deciding whether to provide concurrence, the chief executive officer must take into account:

(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:

(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and

(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and

(b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:

(a) the consent authority has given the chief executive officer notice of the development application, and

(b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.

### **87 Impact of rail noise or vibration on non-rail development**

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

(a) a building for residential use,

(b) a place of public worship,

(c) a hospital,

(d) an educational establishment or child care centre.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The 'Development Near Rail Corridors and Busy Roads – Interim Guidelines' provides further detailed guidance on the matters that need to be considered under clauses 85 to 87 of the SEPP (Infrastructure) in a future Development Application for housing on the site. This includes guidelines for the site planning and design of development, acoustic treatments, protection against corrosion from electrolysis, access for rail maintenance, stormwater management, security against vandalism and graffiti, potential glare from lighting and external finishes, derailment protection, underground electrical services, fencing, and management of potential construction and excavation issues.

The site has the capacity to accommodate a seniors housing development in a future Development Application that satisfies the provisions of clauses 85 to 87 of the SEPP Infrastructure and associated Development Near Rail Corridors and Busy Roads – Interim Guidelines’. A Train Noise and Vibration Assessment prepared by Acoustic Logic is included at Appendix H, which finds that a housing development on the site can be designed to meet relevant noise and vibration criteria.

The site’s position within close proximity to Oatley railway station and bus services in the immediate vicinity allows the development to take advantage of the State government’s response to increasing residential development near rail corridors. The State government emphasises the importance of integrating land uses and taking advantage of public transport, especially in designing medium to high density developments. The State government emphasises the importance and need in utilising transport corridors:

“The land use strategies for transport corridors and centres are all important components of the Government’s suite of planning initiatives to meet the priorities in the State Plan, including: providing places and locations for services, commercial and business activities and a range of other employment and economic activity, increasing densities and clustering business and other activities in strategic centres, and increasing public transport use and improving liveability” (Development near Rail Corridors and Busy Roads – Interim Guideline, December, 2008).”

This PP is considered to achieve the objectives of the Interim Guideline by increasing the diversity of housing types and availability as well as facilitating the inclusion of older persons in an area close to public transport, which enhances independence in the community and reduces reliance on private vehicles. The development is of high accessibility and therefore meets the intent of the Interim Guidelines.

#### 3.2.4.5 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The SEPP includes the following definition of land zoned for urban purposes, which is applicable to the proposed future use of the subject site:

##### (1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land: ...

... (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries...

The subject site is proposed to be zoned for special uses for the purpose of ‘seniors housing’ and therefore the SEPP Seniors Housing would apply upon amendment of the site’s land use zoning.

The SEPP Seniors Housing includes provisions that would apply to a future Development Application for seniors housing on the site including:

- Site related requirements in Part 2; and
- Design requirements and development standards in Parts 3 and 4.

The site related requirements in Part 2 of the SEPP Seniors Housing include:

- Location and access to facilities – Site needs to be within 400m metres of shops, bank service providers and other retail and commercial services, community services and recreation facilities, and the practice of a general medical practitioner, or within 400m metres of public transport to and from those facilities, with access paths meeting relevant standards;

- Bush fire prone land - Development on bushfire prone land is to comply with the requirements of the document titled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department of Planning dated December 2006;
- Water and sewer - Housing is to be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.
- Certain site compatibility criteria – compatibility with the natural environment, services and infrastructure capability, and impact of bulk, scale, built form and character of development in the vicinity.

The site has capacity to accommodate seniors housing development in a future Development Application that meets the site related requirements in the SEPP Seniors housing in the following respects:

- The site is within 400m of facilities including shops, bank, commercial and community facilities, and medical practitioner located at Oatley local centre, and the access path meets relevant access standards subject to modification to gradients;
- The Planning for Bush Fire Protection guidelines can be met as described in the Bushfire Assessment included at Appendix I and Appendix J (see also further discussion below in S.117 Direction 4.4);
- The development of the site for seniors housing would be compatible with the natural environment (see Section 3.3.1), infrastructure capability (see Section 3.4.1), and scale, built form and character of development in the vicinity (see Section 3.3.2).

The design requirements and development standards in Parts 3 and 4 of SEPP Seniors housing would need to be met in the design of a future Development Application for seniors housing on the site.

### 3.2.5 Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The S.117 Ministerial directions that are relevant considerations for this planning proposal are:

- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 3.4 Integrating Land Use and Transport;
- 4.1 Acid Sulfate Soils;
- 4.4 Planning for Bushfire Protection;
- 6.3 Site Specific Provisions; and
- 7.1 Implementation of *A Plan for Growing Sydney*.

Appendix K provides an overview of all Section 117 Directions.

### 3.2.5.1 S117 Direction 2.3 Heritage Conservation

The subject site is located adjacent to the state heritage item '178' known as the 'Oatley Railway Station Group'. Therefore this direction is applicable to this PP. Refer to Figure 9.

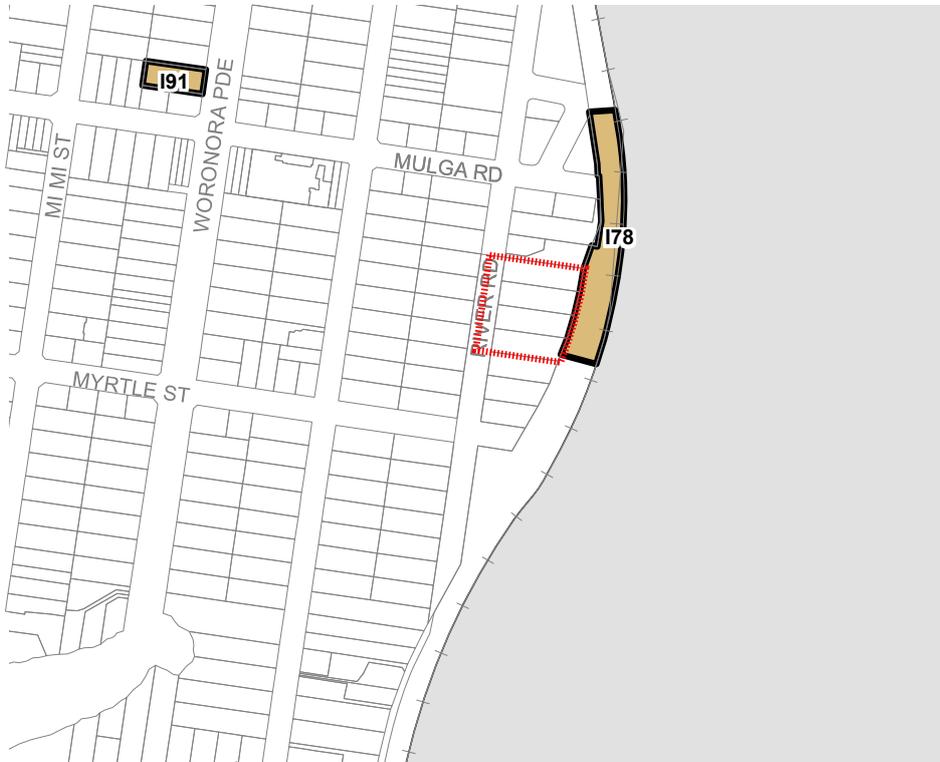


Figure 9. HLEP 2012 Heritage Map - Subject site in red (Source NSW Legislation)

#### Objective

(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

#### Where this direction applies

(2) This direction applies to all relevant planning authorities.

#### When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

## Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:

- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

Note: In this direction:

“conservation”, “environmental heritage”, “item”, “place” and “relic” have the same meaning as in the Heritage Act 1977.

“Aboriginal object”, “Aboriginal area” and “Aboriginal place” have the same meaning as in the National Parks and Wildlife Act 1974.

Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental Plans) Order 2006. A LEP that adopts the Standard Instrument should identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP.

A review of the State Heritage Register (SHR) Assessment of Significance highlights the following SHR criteria :

- Oatley Railway Station has a historical association with Oatley Memorial Gardens, a series of linear parks to the east between Oatley Parade and Oatley Avenue, which became available as parkland after the realignment of the railway line in 1905.
- The Oatley Railway station is of aesthetic significance for its landscape setting, flanked by parks to east and west at its northern end, and for its simple yet attractive Federation Queen Anne style-influenced weatherboard platform building.
- The place has the potential to contribute to the local community’s sense of place, and can provide a connection to the local community’s past.
- The signal box demonstrates signalling technology of the early 1900s, however there are a number of other examples of this technology on the Illawarra line and elsewhere within the NSW Railways network.
- The weatherboard 1905 platform building is considered a rare example for an urban context, and reflects the semi-rural nature of the area when it was built (the only other example on the Illawarra line of a weatherboard platform building in metropolitan context is at Penshurst), and it is one of only four extant weatherboard platform buildings of its type on the Illawarra line.
- The Oatley platform building is an example of a standard roadside building converted to an island platform building. The building is one of four weatherboard standard island platform buildings on the Illawarra line with other examples at Austinmer, Penshurst and Thirroul. The Oatley platform building is the most altered of the four extant examples (note there are 12 stations on the Illawarra line with brick examples of this type of platform building).
- The Mulga Road underbridge is a good representative example of brick arch construction. The Mulga Road underbridge is thought to be the second largest brick arch underbridge in the railway system.

Rezoning of the subject site to enable the future development of seniors housing will not adversely impact the heritage significance of the railway station for the following reasons:

- The subject site is not located adjacent to, nor does not bear a strong visual relationship with Oatley Memorial Gardens, the series of linear parks to the east between Oatley Parade and Oatley Avenue.
- The subject site is not located adjacent to, nor does not bear a strong visual relationship with the landscaped gardens at the northern end of the station.

- The subject site is not located adjacent to, nor does not bear a strong visual relationship with the weatherboard platform building and therefore the PP will not impact that building.
- The PP would not detract from the sense of place associated with the Oatley Railway Station or result in the removal or impacts on views towards items that connect the local community to its past.
- The PP would not result in the removal of unique and rare technologies associated with the historical use of the railway or the station such as signal boxes.
- The PP would not result in any changes to the Mulga Road underpass.

In light of the above, a detailed heritage assessment is not necessary for the consideration of this PP and any impacts on the adjacent heritage item can be appropriately managed through detailed design processes as a part of a future development application.

### 3.2.5.2 S.117 Direction - 3.1 Residential Zones

The PP does not seek to establish a residential zone on the subject site, however is it situated adjacent to a residential zone and therefore this Direction - 3.1 Residential Zones is applicable.

#### **Objectives**

The objectives of this direction are:

- to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

#### **Where this direction applies**

(2) This direction applies to all relevant planning authorities.

#### **When this direction applies**

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.

#### **What a relevant planning authority must do if this direction applies**

(4) A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

(5) A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- (b) not contain provisions which will reduce the permissible residential density of land.

## Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
  - (i) gives consideration to the objective of this direction, and
  - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) of minor significance.

The PP is consistent with the S.117 Direction 3.1 in the following respects:

- It will broaden the choice of building types and locations available in the housing market by introducing accommodation for seniors, which is complementary to the predominant housing types within the locality.
- It will make more efficient use of existing infrastructure and services including the Oatley railway station and southern rail line, and the services in the nearby Oatley local centre and West Oatley neighbourhood centre.
- It will reduce the consumption of land for housing and associated urban development on the urban fringe.
- Clause 6.7 of the Hurstville LEP 2012 requires that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the Council, or other appropriate authority, have been made to service it).
- It will not reduce the permissible residential density of land.

### 3.2.5.3 S.117 Direction - 3.4 Integrating Land Use and Transport

This direction applies to all Councils when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The PP has been considered against the provisions of this direction and is considered acceptable for the site. The PP is consistent with the objectives of this Ministerial Direction. It is considered that this PP, if implemented, will:

- improve access to housing, jobs and services by walking, cycling and public transport;
- facilitate the inclusion of older persons in an existing urban area with high amenity and transport accessibility;
- reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- support the efficient and viable operation of public transport services.

This PP is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001) in that it proposes residential use of land specifically for seniors within close proximity to public transport (rail) infrastructure and the services in the nearby Oatley local centre and West Oatley neighbourhood centre.

**3.2.5.4 S.117 Direction - 4.1 Acid Sulphate Soils**

The objective of this direction is to avoid significant adverse environmental impacts from the use of land containing Acid Sulphate Soils. This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulphate soils as shown on the Acid Sulphate Soils Planning Maps.

The PP and any subsequent DA shall be considered against any Acid Sulphate Soils (map) prepared by Council. It is considered that the further assessment can be dealt with at any future DA stage for the subject site with the inclusion of an Acid Sulphate Soils Management Plan.

The south western portion of the subject land is shown to contain a minimal area noted as Class 5 on the Acid Sulphate Soils Map in Hurstville LEP 2012. The Planning Proposal is consistent with clause 5 in S.117 Direction No.4.1 as the Hurstville LEP 2012 includes the standard LEP provisions for management of acid sulphate soils in Development Applications.

The Planning Proposal is justifiably inconsistent with the requirement in clause 6.1 of LEP 2012 for an acid sulphate soils study to be prepared, as the south western corner of the site identified as Class 5. This is of minor significance as it is a relatively small part of the site in an Asset Protection Zone, which would not be intensively developed.

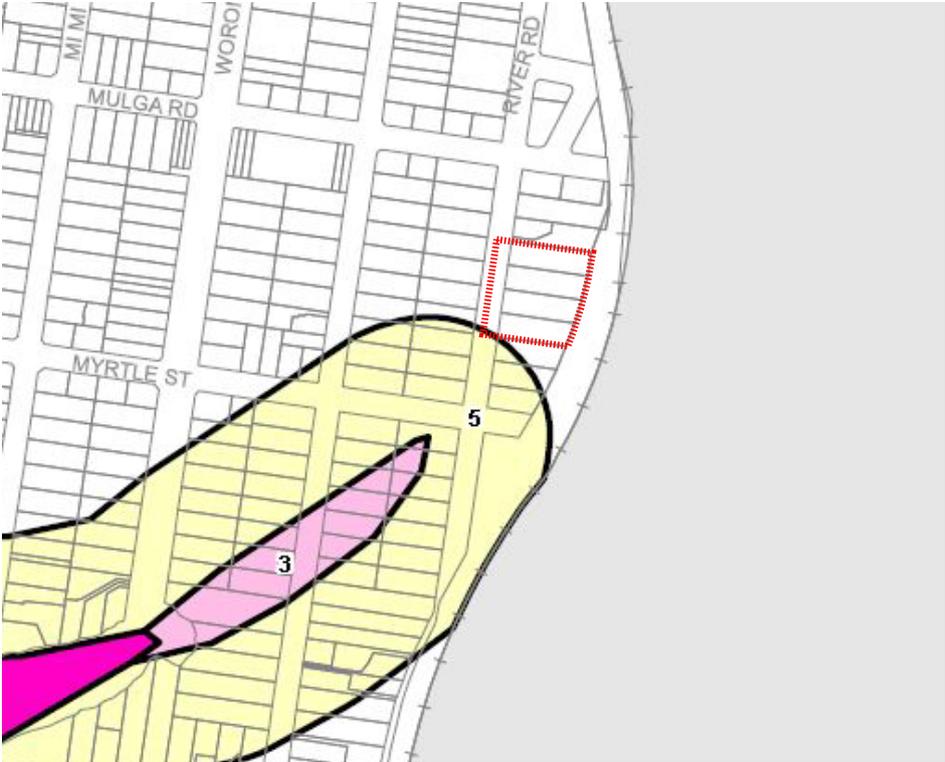


Figure 10. Acid Sulphate Soils Map (Source DPE)

### 3.2.5.5 S.117 Direction - 4.4 Planning for Bushfire Protection

The objective of this direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.

#### Objectives

(1) The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

#### Where this direction applies

(2) This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.

#### When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

#### What a relevant planning authority must do if this direction applies

(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,

(5) A planning proposal must:

- (a) have regard to Planning for Bushfire Protection 2006,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

(6) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

- (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
  - (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
  - (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
- (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
- (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,

Travers Bushfire and Ecology (TBE) has undertaken an analysis of the bushfire and ecological constraints relating to the subject site in February 2014 (Appendix I) and further advice was provided in April 2014. (Appendix J). TBE's assessment included an analysis of the bushfire risk posed to the subject site and an assessment in accordance with Planning for Bushfire Protection 2006 (PBP) to guide future development of the site. The investigations considered the types of land uses that could be considered with particular regard for Aged Care, which is classified by the NSW Rural Fires Service as 'Special Fire Protection Purpose Development' (SFPP).

PBP stipulates that habitable buildings, within a residential subdivision, must not exceed a radiant heat flux of 29kW/m<sup>2</sup>. This is equivalent to a building construction standard of BAL 29 as per Australian Standards AS3959 – Construction of buildings in bushfire-prone areas (2009).

Figure 11 – Bushfire Protection Measures (Residential Subdivision) depicts the minimum required asset protection zone (shaded in light green) for residential developments. Although habitable residential dwellings cannot be located within this zone other building structures such as detached garages, sheds, outbuildings, car parks, swimming pools and roads, can be located within the APZ.

PBP stipulates that a SFPP building must not exceed a radiant heat flux of 10kW/m<sup>2</sup>. The basis of this is to ensure that occupants are not exposed to excessive radiant heat when evacuating a building. As a result a SFPP development is required to have a larger asset protection zone than that required for a standard residential dwelling.

Figure 12– Bushfire Protection Measures (Developable Area for Special Fire Protection Purpose and Residential Development) depicts the required asset protection zone for an aged care development as well as a residential development. The blue hatch identifies the developable area for a SFPP development (0.2032ha) within the north-eastern portion of the site. Buildings for habitable use (residential units related to SFPP use) are restricted to this area only.

Specifically, Figure 12 illustrates where certain activities may or may not occur due to bushfire constraints:



**Green: Habitable residential dwellings cannot be located within this zone; however other building structures such as detached garages, sheds, outbuildings, car parks, swimming pools and roads, can be located within the APZ.**



**Blue hatched: May contain habitable residential and seniors' accommodation. It is the only place where seniors' accommodation may occur. This area is approximately 2,032m<sup>2</sup>.**



**Red hatched: May contain habitable residential but not seniors' accommodation. This area is approximately 4,647m<sup>2</sup>.**

Buildings associated with administration, storage, maintenance, caretakers residence and the like are not considered SFPP and can be located within the area identified on the plan as 'Residential development (developable area)'. However, it is noted that this PP does not seek a zoning that would allow for residential development other than specifically to accommodate seniors housing.

The Asset Protection Zone (APZ) constraints identified in the Travers report (appendix for Special Fire Protection Purpose (SFPP) developments) provided as Appendix I are outlined as follows:

- Minimum 50 metres from edge of buildings to extent of managed land in west direction (riparian or rainforest vegetation).
- Minimum 100 metres from edge of building to extent of managed land in south direction (Forest vegetation).

To achieve the APZ requirements, the car parking on the public recreation land can be included with the access road width as part of the APZ for the western elevation of the building.

For the recreational land not included in the Senior Housing proposal, there will need to be a management plan or some formal agreement that this area would be maintained as part of Council's parks and gardens program for this to be used as the APZ for the seniors housing development.



Figure 11. Bushfire Protection Measures (Residential Subdivision) (Source Travers)



Figure 12. Bushfire Protection Measures (Developable Area for Special Fire Protection Purpose and Residential Development) (Source Travers)

### Access In the event of a bushfire

TBE also provided recommendations relating to safe access and evacuation. TBE recommended the following for SFPP developments (refer also to Appendix I).

<b>Option 1 – Construction of SFPP development (no additional access provisions)</b>	<b>Option 2 – Construction of SFPP development</b>
<ul style="list-style-type: none"><li>• Maintain the entire River Road corridor (20m) up to Mulga Road as an APZ, including the provision of an additional 10m wide APZ within the adjoining public reserve (subject to relevant approvals).</li><li>• Upgrade the road to provide a carriageway width of at least 8 metres</li><li>• Minimise the length of the road to ensure direct access to the retirement village.</li><li>• Consider the erection of a radiant heat barrier between the road boundary and the adjoining bushland.</li><li>• The preparation of a bushfire evacuation plan.</li></ul>	<ul style="list-style-type: none"><li>• Council should consider creating a new road parallel to the railway corridor. This would require purchase of residential allotments to the north of the site to allow for a primary access point to the site (minimum 6.5m wide).</li><li>• Provision of a secondary access on the current access.</li><li>• The preparation of a bushfire evacuation plan.</li></ul>

Further to the above recommendations, Georges River Council engaged Molino Stewart to review the above findings and to prepare an integrated response to respect to bushfire constraints, access arrangements and potential impacts on the biodiversity within the adjacent Myles Dunphy Reserve (MDR). This body of work was prepared in response to further concerns regarding safety of access to the site during a potential bushfire event, raised during community consultation undertaken by Elton Consulting between November 2016 and February 2017.

Molino Stewart's Integrated Response is provided as Appendix L. The key findings of this integrated response are:

#### Ecology

- The development of a seniors housing facility is unlikely to result in a loss of habitat as the site is substantially modified by past land uses. No hollow-bearing trees were recorded in the survey and the existing vegetation is mainly exotic grasses, shrubs or ornamental trees, disconnected from Myles Dunphy Reserve by the car parking areas and access road for the former Bowls Club site.
- No vegetation within Myles Dunphy Reserve shall be cleared for the development of the former Bowls Club site and hence there would not be an impact on the biodiversity within Myles Dunphy Reserve.
- Potential loss of habitat may occur if vegetation within the existing road reserve of River Road is managed to provide additional bushfire protection measures, in particular, the upgrade of River Road. Any such an upgrade would only potentially impact trees located within the existing road reserve. No trees within Myles Dunphy Reserve would be removed.
- The most significant impact from the proposed upgrade of River Road will be a loss of existing canopy vegetation. No threatened flora or fauna species were observed within the area of impact of the upgrade works. However, the proposed road upgrade could impact on an area of identified Sydney Ironbark Turpentine Forest (STIF) Endangered Ecological Community (EEC).
- There are also a number of opportunities for biodiversity offsets or measures to compensate for the loss of potential habitat for any fauna from the upgrade works. Such opportunities would focus on habitat improvement within Myles Dunphy Reserve.

### Bushfire management and evacuation for a seniors housing facility

- The area designated for the seniors housing in the planning proposal for the former Bowls Club site is suitable for Special Fire Protection Purpose (SFPP) development and would comply with the performance criteria in the document Planning for Bushfire Protection (PBP).
- Access to the proposed seniors housing site is via a single public road (River Road) from Mulga Road. The existing road reserve will allow an access road to be constructed in accordance with the requirements in PBP. River Road is less than 200m in length and, although not a through road, it still meets the performance criteria in PBP of public road access. There is no requirement to consider a secondary access road.
- The access arrangement from an upgrade to River Road and then Mulga Road will allow safe access or evacuation of occupants and emergency services personnel during a bushfire situation. The evacuation route along River Road and then Mulga Road is adequate for emergency evacuation if necessary.
- Any bushfire risks from the development of the former Oatley Bowls Club site can be mitigated by emergency planning, building design and construction.

### Access

- There is sufficient scope/area within the boundary of River Road so that proposed access upgrades can be undertaken to meet requirements associated with bushfire and accessibility including gradients.
- Design features can be incorporated into any road upgrade such that the biodiversity impacts would be contained wholly within the existing road reserve and minimised by an elevated boardwalk along the western verge of the road.

Molino Stewart Makes the following specific conclusions and recommendations, which may be addressed as a part of a future detailed design and development process:

- The area designated for the seniors housing in the PP for the former Bowls Club site is suitable for SFPP development and would comply with the performance criteria in PBP.
- The asset protection zone recommended for the proposed seniors housing shall comply with Table A2.6 of PBP and would be entirely located within the boundaries of the PP. No impact would occur within MDR.
- River Road should be upgraded to an eight metre carriageway with two metre pedestrian walkway located either side, in accordance with PBP.
- The pedestrian walkway along the western side of River Road should be an elevated boardwalk from Mulga Road until the natural ground surface is reached. This would limit any impact on the drainage channel or structural root zones for retained trees from the construction of a hard pavement surface.
- The existing stormwater drainage from the culvert beneath Mulga Road should be modified to accommodate the increase in width of River Road. These modifications can include concrete pipes beneath River Road or retaining wall and batters within the drainage channel.
- Areal extent of loss of existing vegetation due to the upgrade works should be compensated by weed management and revegetation works within MDR.

The recommendations presented in the report will ensure the planning proposal for a seniors housing development meets the performance criteria for SFPP developments. No habitat loss shall occur within the boundary of the MDR and hence there would be no potential impact on the reserve's biodiversity. Any impacts on existing habitat within the road reserve for River Road adjacent to the boundary of the reserve are manageable and can be compensated

through positive measures to enhance the ecological values of MDR. These measures should be complemented by the landscaping within the adjacent community lands (i.e. the greater Former Oatley Bowling Club site area) part of the planning proposal.

It is therefore considered that access related bushfire constraints associated with the proposed land use zoning on the subject site can be appropriately mitigated through detailed site planning and detailed design at the Development Application Stage. Therefore the PP is consistent with this Direction.

### 3.2.5.6 S.117 Direction - 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The PP is consistent with this direction as it does not seek to impose any development standards or requirements in addition to those already contained in the standard environmental planning instrument.

#### Objective

(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

#### When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

#### Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

The PP does not seek to unnecessarily restrict the site, however it does seek to ensure that only 'seniors housing' can be permitted on the site as envisaged within the Hurstville Community Strategic Plan.

The planning proposal is to enable the particular 'seniors housing' land use on the subject site, and is therefore subject to S.117 Direction No.6.3. The planning proposal is consistent with clause 4 of this S.117 Direction in that it:

- seeks to rezone the site to an existing zone applicable under the standard instrument and which has been previously used for similar purposes within NSW;
- allows the land use without imposing any additional development standards or requirements to those generally applicable to any development including 'seniors housing'. Given the site currently does not have any specific development controls and the 'Special purposes (seniors housing)' zone does not prescribe any controls it is necessary to add a height and FSR standard via the PP; and
- does not contain or refer to drawings that show details of any specific development proposal.

In order to determine the most appropriate approach for rezoning the site, the following land use and rezoning considerations were made in the preparation of this PP with respect to the greater Former Oatley Bowling Club site area.

- **Retaining existing RE1 Public Recreation zoning and include additional permitted uses in Schedule 1 of HLEP 2012.** This was not considered a feasible option as the ‘seniors housing’ use would be inconsistent with RE1 zone objectives and insertion of Schedule 1 amendment is generally only considered under exceptional circumstances.
- **Rezoning the site to R2 Low Density Residential.** This was not considered feasible given ‘Seniors housing’ and ‘Residential care facility’ are prohibited in the R2 zone under the HLEP 2012. Whilst the Seniors SEPP may enable the development of seniors housing in the R2 zone, this zone would also enable non-seniors oriented outcomes such as residential dwelling houses to occur, which is not an outcome intended for the site under the Hurstville Community Strategic Plan 2025.
- **Rezoning the site to R3 Medium Density Residential.** Whilst the R3 zone permits ‘Seniors housing’ and ‘Residential care centre’ land uses, similar to the R2 zone, would also enable unintended non-seniors oriented medium density residential outcomes to occur, which is not an outcome intended for the site under the Hurstville Community Strategic Plan 2025.
- **Rezoning the site to B4 Mixed Use.** Whilst the B4 zone permits ‘Seniors housing’ and ‘Residential care centre’ land uses, similar to the R2 and R3 zones, would also enable unintended non-seniors oriented outcomes to occur, which is not an outcome intended for the site under the Hurstville Community Strategic Plan 2025.
- **Rezoning the site to SP1 Special Activities and assign the uses of ‘seniors housing’.** The suitability of using the SP1 Special Activities was explored and discounted in accordance with Planning Practice Note PN11-002, which outlines the intent for SP1 zones as providing for land uses that cannot be accommodated in other zones. Given the SP2 zone has previously been used for the use of seniors accommodation, the SP1 zone was not considered appropriate or warranted.
- **Rezoning site to SP2 Infrastructure and assign the use of ‘seniors housing’.** This was considered a feasible option as it would enable only the intended seniors’ oriented outcomes to occur and has been used in other LEPs in NSW (e.g. Woollahra LEP 2014) and applicable to a seniors’ housing site on Brown Street in Paddington.
- **Rezoning part of site to SP2 Infrastructure and assign the uses of ‘seniors housing’ and retaining part of the site as an RE1 zone.** Following consideration of the October 2016 PP, a Council resolution on 7 November 2016 and a subsequent resolution on 5 June 2017 sought a reduction in the rezoning and reclassification area to approximately half of the ‘greater Former Oatley Bowling Club site area’ (refer Figures 1 and 2) with the remainder of the site to remain zoned RE1 with a ‘community’ classification.

Therefore this PP seeks to reclassify, rezone and introduce height and FSR controls to a portion of the greater Former Oatley Bowling Club site area, whilst retaining the RE1 zone and ‘community’ classification for the remainder of the greater site. The benefits of this approach include:

- The SP2 zone with the designated use for ‘seniors housing’ allows only seniors related land use(s) to occur on the site and any uses considered incidental to that use, which is important to ensure the increased provision of seniors related accommodation on a site that has been strategically identified for such purposes.
- The ‘seniors housing’ use can include a range of residential opportunities specifically dedicated to seniors including a residential care facility, hostel, self contained living units, communal facilities, and staff accommodation/ administration facilities enabling a market responsive approach to the provision of seniors related accommodation and/or services.
- Enabling ‘seniors housing’ land use to occur on the site also allows for ‘residential care facility’ under the HLEP 2012, thereby providing sufficient flexibility to respond appropriately to the needs of older persons and adapt to

emerging circumstances and demand on which type of facility is most needed within the Oatley community and Georges River LGA.

- Retaining the RE1 zone and ‘community’ classification for the remainder of the broader site area allows the provision of a public recreation space including a community garden, as is the strategic intent of Council.
- The SP2 zone with the map annotated for ‘seniors housing’ provides certainty to the community that the use of the site will be in accordance with the Council’s vision for the site to accommodate a seniors’ housing and therefore ensure that benefit is provided to the community as per the specific needs and identified and intended strategic direction.

Given the strategic intent outlined in the Hurstville Community Strategic Plan 2025, is to provide seniors’ housing on the subject site and a public recreation space on RE1 land adjacent to the subject site based on an identified need within the community, a zoning that allows only for ‘seniors housing’ should not be considered overly prescriptive. In this circumstance, the SP2 zoning will ensure the use of the site only as intended. This approach will assist in enhancing residential diversity, particularly for ageing members of the community and will allow for aging in place.

This PP seeks to establish a zoning that prevents the risk of the site being developed for other general residential forms that would not directly benefit seniors and which are already well provided for within specifically zoned residential lands throughout the Georges River LGA.

An example of a similar zoning has been applied to the Presbyterian Aged Care facility on Brown Street in Paddington within the Woollahra City Council. This site is zoned SP2 Infrastructure for ‘Seniors Housing’. Therefore the land use proposed within the PP is suitable for the intended use and is consistent with other previous applications of the SP2 zone for the purpose of seniors housing.

### 3.2.5.7 S.117 Direction - 7.1 Implementation of A Plan for Growing Sydney

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in *A Plan for Growing Sydney*. The Direction applies to a number of listed Local Government Areas (LGA), which includes the then LGAs of Hurstville and Kogarah, now known as the Georges River LGA.

It is considered that this PP is consistent with this Direction in that it will assist in delivering on the outcomes envisaged by the strategy as outlined in Section 3.2.1.1.

### 3.2.5.8 Department of Planning and Environment Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan

Although not a SEPP or Section 117 Direction, the Department of Planning and Environment has released an updated *Practice Note PN 16-001 - Classification and reclassification of public land through a local environmental plan* (PN 16-001). It provides guidance on classifying and reclassifying public land through a local environmental plan (LEP), which is relevant to take into consideration. PN 16-001 emphasises the need for councils to demonstrate strategic and site specific merit and includes a comprehensive information checklist and clarifies issues arising for public reserves and interests in land.

This PP has been prepared to ensure consistency with PN 16-001 as demonstrated by Table 1.

Table 1. Consistency with PN 16-001

Checklist items	Consistent	Response
the current and proposed classification of the land;	✓	The subject site is currently classified as 'community' land. This PP proposes to reclassify the subject site to 'operational' land. Refer sections 2.1, 4.1.2 and 4.3.1
whether the land is a 'public reserve' (defined in the LG Act);	✓	The land is not a public reserve. Refer section 4.1.4
the strategic and site specific merits of the reclassification and evidence to support this;	✓	The merits of reclassification are discussed in detail in Section 3 of this PP. Refer section 3
whether the planning proposal is the result of a strategic study or report;	✓	The PP is consistent with a number of local and state government strategic studies as discussed in Section 3.1.1. refer section 3.1.1
whether the planning proposal is consistent with council's community plan or other local strategic plan;	✓	The PP is consistent with Council's Community Strategic Plan 2025 as discussed in Section 3.2.3. refer section 3.2.3
a summary of council's interests in the land, including:	✓	There is no evidence of any trusts, estates, interests, dedications, conditions, restrictions or covenants over the site. refer section 4.1.4
<ul style="list-style-type: none"> <li>how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)</li> </ul>	✓	Georges River Council's records show that the majority of the site, being Lots 14 to 20 Section 3 DP 7124 was acquired by Council in 1945 from a private owner refer section 4.1.4
<ul style="list-style-type: none"> <li>if council does not own the land, the land owner's consent;</li> </ul>	✓	The land is owned by Council. refer section 4.1.4
<ul style="list-style-type: none"> <li>the nature of any trusts, dedications etc;</li> </ul>	✓	There is no evidence of any trusts, estates, interests, dedications, conditions, restrictions or covenants over the site. refer section 4.1.4
whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	✓	There is no evidence of any trusts, estates, interests, dedications, conditions, restrictions or covenants over the site. Therefore no interests are proposed to be discharged. refer section 4.1.4

Checklist items	Consistent	Response
the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	✓	The PP will result in a minor reduction in RE1 zoned land. The development of the site for seniors housing will support council in upgrading the adjoining RE1 zoned land which is currently unutilised.  There is no evidence of any trusts, estates, interests, dedications, conditions, restrictions or covenants over the site. Therefore no interests are proposed to be discharged.  refer section 4.3.1
evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	✓	Advice from Council's solicitor is provided at Appendix M.  refer also section 4.1.4
current use(s) of the land, and whether uses are authorised or unauthorised;	✓	The land is currently vacant and not utilised.  refer section 4.1.5
current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	✓	No lease agreements are presently applicable to the land.  refer section 4.1.2
current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	✓	Nothing proposed at this stage.
any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy);	✓	This PP purposes to rezone the land from RE1 Public Recreation to SP2 Infrastructure (Seniors Housing) and to introduce development controls pertaining to building height and floor space ratio.  refer sections 2 and 4.3.1
how council may or will benefit financially, and how these funds will be used;	✓	The funds will be used to offset costs for already implemented improvements to Jubilee Park including a new community centre and recreational facilities, as per the 22 September 2010 resolution of Council.  refer sections 2, 3.1.1.4, 3.2.3.1 and 3.3.3.2
how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	✓	Funding has previously been allocated and utilised for already implemented improvements to Jubilee Park including a new community centre and recreational facilities. Any funds for the lease or disposal of the site will assist in offsetting costs associated with those upgrades, as per the 22 September 2010 resolution of Council.  refer sections 2, 3.1.1.4, 3.2.3.1 and 3.3.3.2
a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	✓	Not required as the proposed subdivision will form both the land reclassification and zoning boundary upon registration.
preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	✓	Council is the freehold landowner of the site, comment from other government agencies not required.

## 3.3 Section C – Environmental, Social and Economic Impact

### 3.3.1 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?

The subject site has previously been cleared of natural vegetation other than around the boundary perimeters and a few remaining isolated trees on site. The PP will not have any significant effect on native vegetation or habitat on the site.

The adjoining Myles Dunphy Reserve contains native bushland and is the subject of Myles Dunphy Reserve and Wetland Plan of Management, adopted by Council on 20 March 2013. No part of the site is contained within the Plan of Management boundary.

An Ecological Constraints Analysis prepared by Molino Stewart Environmental and Natural Hazards Consultants is included at Appendix E. Molino Stewart's report provides an assessment of the constraints likely to impact any rezoning of the subject site and to change land use classification from 'community' to 'operational'. Part of the constraints assessment included a comprehensive biodiversity assessment for the site and surrounding areas within the Myles Dunphy Reserve.

The assessment was conducted in accordance with section 5A of the EP&A Act (1979), and followed the Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities (DEC 2004) and current best practice methods. It included a desktop assessment followed by a one day of field survey by a qualified ecologist. The results provide additional and updated information to an earlier assessment in anticipation of a rezoning proposal conducted in 2007 also provided at Appendix E. Molino Stewart makes the following conclusions:

- Two species of threatened micro-bats were detected using Anabat surveys to the south of the development site.
- No threatened flora was observed during the survey.
- STIF EEC is present to the west of River Road within MDR. Any clearing of this vegetation may require additional approval under the TSC Act and possibly referral under the EPBC Act.
- Habitat for micro-bats may be present in the retaining walls surrounding the development and this warrants further investigation.

Molino Stewart recommends seven (7) part tests for the assessment of significance to be considered for a number of species and advises that the impacts of redevelopment of the site can be mitigated through appropriate measures.

The site has capacity to accommodate the PP for a seniors housing and community development with appropriate management of biodiversity issues associated with the adjoining bushland reserve in a future Development Application stage.

Refer also to additional Molino Stewart advice on ecology in Section 3.2.5.5.

### 3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The PP to facilitate some form of seniors housing on the site raises a number of environmental planning issues which are not of such significance as to preclude the Proposal, which can be addressed in detail and managed in a future Development Application for detailed design and construction of housing. The relevant environmental planning issues to be taken into consideration in detailed design and future DA assessment include:

- Visual impact;
- Scale and form of development;
- Detailed access, traffic and parking;
- Detailed interface design with adjacent residential properties;
- Interface with adjacent rail corridor;
- Interface with adjacent Myles Dunphy Reserve bushland;
- Geotechnical stability;
- More detailed consideration for contamination and remediation actions if required;
- Ecological sustainability initiatives; and
- Construction impacts investigation.

#### 3.3.2.1 Visual impact

The site is located within a foreshore scenic protection area under HLEP 2012. This includes a height limit for development that is below the tree line and not visible from the Georges River. In these circumstances, the visual impact of future development facilitated by this PP will need to be considered and managed in further detail in the design of seniors housing in a future Development Application.

#### 3.3.2.2 Scale and form of development

The PP seeks to amend the zoning and development standards applying to the subject site under Hurstville LEP 2012 to SP2 Infrastructure to enable seniors housing. It is intended that a public recreation space be provided adjacent to the site in conjunction with the future development of seniors housing. Scale and form will be limited by the following:

- Identified bushfire restrictions identified in this PP, which limit built form to the north east corner of the site;
- Maximum height of 18.5m proposed by this PP;
- Maximum FSR of 1.2:1 proposed by this PP; and
- The site's location within a foreshore scenic protection area, which includes a height limit for development to be below the tree line and not visible from the Georges River.

In these circumstances, the visual impact of the Planning Proposal will be minimal and in keeping with the existing character of the area, and can be managed in further detail in the design of seniors housing in a future Development Application.

Habitable components of a seniors housing facility would be limited to a small area of approximately 2,032m<sup>2</sup> footprint due to bushfire constraints on the north east corner of the site. This is not to say that all built form is limited only to that part of the site, as support facilities ancillary to seniors housing (e.g. administration, staff room, kitchen) may be located outside of the identified bushfire restricted area if constructed to the appropriate standards and therefore would result in a slightly larger building envelope.

As demonstrated within indicative plans prepared by Ansell at Appendix A, the combination of building massing limitations listed above, in addition to developing an optimal and feasible relationship between achievable accommodation and support services for any future seniors housing facility will allow for a significant portion of the greater Former Oatley Bowling Club site to retain its current RE1 zoning and 'community' classification to be enhanced and used for public recreation uses.

Whilst the resulting built form would be larger in scale than existing residential development north of the subject site, the indicative concept plans provided as Appendix A demonstrates that an appropriate interface can be achieved by transition height with a 3 storey element adjacent to the northern boundary.

Proposed height and FSR controls have been assessed as follows against the objectives of clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio outlined in the HLEP 2012.

Table 2. Assessment under cl 4.3 Objectives for Building Height

Clause 4.3 Height of Buildings - Objectives	Response
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	<ul style="list-style-type: none"> <li>The subject site is located immediately adjacent to Oatley train station, where an increase in height is both appropriate and warranted.</li> <li>The indicative plans provided in Appendix A indicate that an appropriate solution can be achieved by reducing the scale of built form adjacent to the northern boundary of the subject site to transition towards lower scaled residential dwellings.</li> </ul>
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,	<ul style="list-style-type: none"> <li>The subject site is located south of any developed or developable property and therefore no overshadowing will occur as a result of any future development on the site.</li> <li>The building envelope where seniors housing can be accommodated is limited to an envelope of approximately 2,032m<sup>2</sup> and will not result in any detrimental impacts on views.</li> </ul>
(c) to minimise the adverse impact of development on heritage items,	<ul style="list-style-type: none"> <li>An assessment of potential heritage impact has been undertaken in section 3.2.5.1 and concludes no heritage items will be impacted as a result of this PP.</li> </ul>
(d) to nominate heights that will provide a transition in built form and land use intensity,	<ul style="list-style-type: none"> <li>The indicative plans provided in Appendix A indicate that an appropriate solution can be achieved by reducing the scale of built form adjacent to the northern boundary of the subject site to transition towards lower scaled residential dwellings.</li> </ul>
(e) to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,	<ul style="list-style-type: none"> <li>This objective is not applicable as the subject site is not located within the Hurstville City Centre.</li> </ul>
(f) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,	<ul style="list-style-type: none"> <li>The indicative concept demonstrates a built form outcome is achievable on the site that appropriately responds to the existing built character of the locality, while still allowing for new and emerging housing needs.</li> </ul>
(g) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.	<ul style="list-style-type: none"> <li>The indicative concept provides a option for development that can be achieved on site that can ensure adjoining properties and the public domain can continue to enjoy and benefit from the location.</li> </ul>

Table 3. Assessment under cl 4.4 Objectives for Floor Space Ratio

Clause 4.4 Floor Space Ratio- Objectives	Response
(a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,	<ul style="list-style-type: none"> <li>• The proposed floor space ratio of 1.2:1 is consistent with the FSR of adjacent residential land to the north.</li> <li>• It is recognised that as a large site with a limited development envelope due to bushfire that the FSR would require a taller built form to achieve the density envisaged. Indicative concepts in Appendix A demonstrate that this can occur in a manner that appropriately transitions between low scale residential to the north.</li> </ul>
(b) to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic to achieve the desired future character of the locality,	<ul style="list-style-type: none"> <li>• The proposed FSR of 1.2:1 is appropriate in the specific circumstances of this planning proposal including the physical characteristics of the site and the particular requirements of the proposed land use.</li> <li>• It equates to the indicative built form that has been used to inform the rezoning and is commensurate with the proposed GFA of 6,020m<sup>2</sup> over the amended site area.</li> <li>• The traffic impacts statement at Appendix C demonstrates the traffic impacts of a medium sized seniors housing development can be accommodated within the road network.</li> </ul>
(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,	<ul style="list-style-type: none"> <li>• The indicative concept in Appendix A demonstrates that appropriate site planning and built form design will minimise impacts of building bulk on neighbouring properties to the north of the site as no overshadowing will occur. Building massing can be reduced at the northern boundary to reduce visual impacts of building bulk. Public recreation areas of the site can be positioned to minimise impact on adjoining properties.</li> <li>• Due to bushfire constraints, the achievable FSR must be accommodated within the limited envelope at the north east corner of the broader site area This leaves a significant area of land that can retain its current zoning and classification to be improved and made available for community and recreation purposes.</li> </ul>
(d) to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing and are not likely to undergo a substantial transformation,	<ul style="list-style-type: none"> <li>• The proposed scale, form and height being established by the proposed controls allows for a balance between existing development character and an emerging new look and feel.</li> </ul>
(e) to minimise the adverse impact of the development on heritage items,	<ul style="list-style-type: none"> <li>• Refer to assessment provided in section 3.2.5.1.</li> </ul>
(f) to establish maximum floor space ratios that ensure the bulk and scale of development is compatible with the major centre status of the Hurstville City Centre.	<ul style="list-style-type: none"> <li>• This objective is not applicable as the subject site is not located within the Hurstville City Centre.</li> </ul>

### 3.3.2.3 Interface with adjacent residential properties

Any future development for seniors housing will need to consider impacts on acoustic and visual privacy, views and solar access for surrounding residential properties. It is considered that this may be appropriately addressed as part of a future development application. However, these matters have been given consideration in the current indicative concepts to demonstrate a suitable development can be achieved.

As the subject site is located to the south of the existing residential properties in River Road, overshadowing is not a major consideration for neighbouring residential amenity. As demonstrated in the indicative concepts in Figures 13-14, the visual amenity and privacy of those residential properties can be appropriately managed through the inclusion of a 3 storey interface with the northern boundary and privacy screens to windows.



Figure 13. Indicative northern boundary interface transitioning from 5 storeys to 3 storeys (Source Ansell Strategic)



Figure 14. Indicative concept plan illustrating potential to manage impact using transitional height of 3 storeys and installation of privacy screens (Source Ansell Strategic)

#### 3.3.2.4 Interface with adjacent rail corridor

The relevant PP issues associated with the interface between future seniors housing on the site and the adjacent rail corridor are addressed above in Section 3.2.4.4 under State Environmental Planning Policy (Infrastructure) 2007 and associated 'Development Near Rail Corridors and Busy Roads – Interim Guidelines'. These policies include guidelines for the site planning and design of development, acoustic treatments, protection against corrosion from electrolysis, access for rail maintenance, stormwater management, security against vandalism and graffiti, potential glare from lighting and external finishes, derailment protection, underground electrical services, fencing, and management of potential construction and excavation issues. These are all significant matters for consideration at a detailed design stage.

The site has capacity to accommodate a seniors housing development in a future Development Application that satisfies the provisions of SEPP Infrastructure and associated Development Near Rail Corridors and Busy Roads – Interim Guidelines'. A Train Noise and Vibration Assessment prepared by Acoustic Logic is included at Appendix H which finds that a housing development on the site can be designed to meet relevant noise and vibration criteria.

### 3.3.2.5 Interface with adjacent Myles Dunphy Reserve bushland

The main issues associated with the interface between the PP for housing and a recreation space on the site on the site and the adjacent Myles Dunphy Reserve are:

- biodiversity of bushland in the Reserve as discussed above in Section 3.3.1; and
- bushfire hazard of bushland in the Reserve as discussed above in Section 3.2.5.5.

The Myles Dunphy Reserve aspect is a significant element of the subject site's amenity. Indicative concepts have been prepared to access views towards Myles Dunphy Reserve, however the ensuing future seniors housing is within the bushfire planning envelope and the only vehicle access being from the northern boundary would result in significant open space buffer areas between any future building and the reserve. Refer to Figure 15.

Maintaining an open edge to the western and southern boundaries of the subject site will also enhance the physical and visual integration between the site, public car parking, and public recreation space and the natural bushland of the adjacent Myles Dunphy Reserve.

The site has capacity to accommodate seniors housing in this Planning Proposal subject to management of the interface issues with the Myles Dunphy Reserve in the detailed planning and design of housing in a future Development Application.

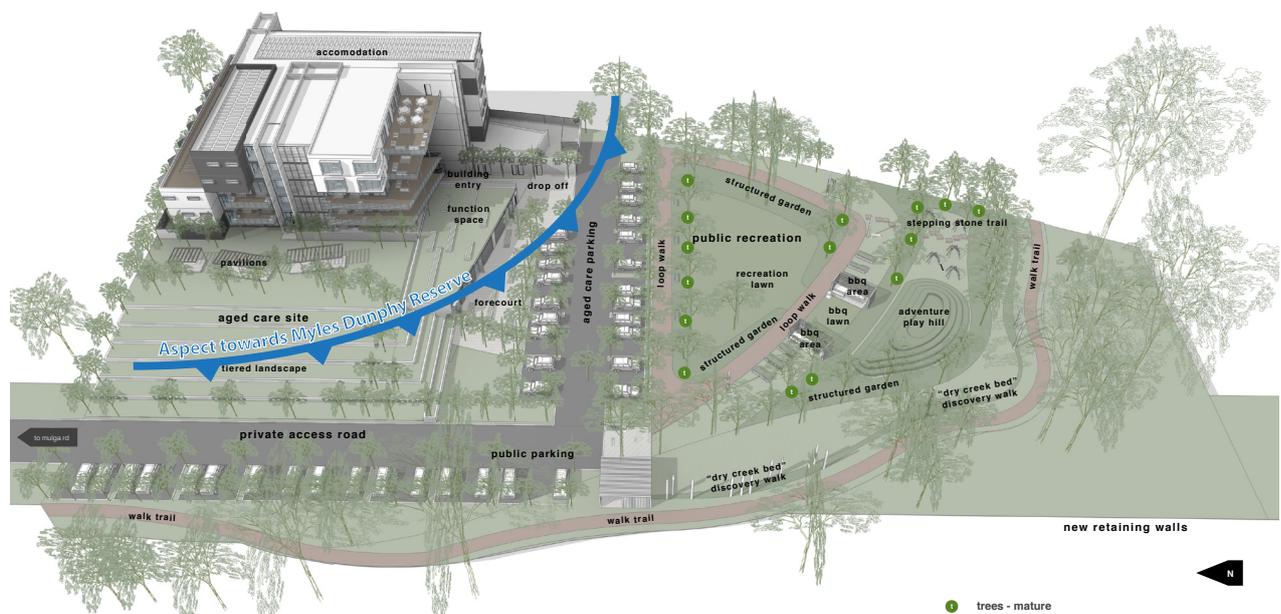


Figure 15. Potential for orientation to overlook Myles Dunphy Reserve (Source Ansell Strategic - MDR View (overlay by TPG))

### 3.3.2.6 Heritage

The PP will not adversely impact on the adjacent state listed Oatley railway station as demonstrated within section 3.2.5.1.

### 3.3.2.7 Access, traffic and parking

The site currently has direct access off River Road which is partially constructed and services the adjacent residential properties to the immediate north of the site. This existing road access also serviced the former bowling club on the site.

GTA traffic consultants prepared a Traffic Impacts Analysis provided as Appendix C, which considers matters relating to site accessibility and traffic impacts for a future Seniors housing development on the subject site. The following conclusions are made with respect to traffic and access:

- Existing footpath facilities in the vicinity of the site provide convenient access to local points of interest including bus stops, local parks, Oatley Railway Station as well as Oatley West and Oatley Village Shops, all within a 2 minute walk from the site.
- Accessibility to Oatley Railway Station is currently being improved for people with disabilities, with new lift access to the station from Oatley Parade and Mulga Road, as well as a new pedestrian footbridge across the railway line.
- The existing footpath along River Road South has sections of gradients where it would be impractical to provide an accessible path that complies with the relevant Australian Standards (AS1428.1 and AS1428.2).
- A new compliant raised/ elevated board walk, with appropriate ramps to reduce the gradient, could be considered within the 20m wide River Road South road reserve, between the carriageway and Myles Dunphy Reserve. This would facilitate appropriate pedestrian access for a seniors housing development.
- River Road South (site access), which functions as an access way, would need to be upgraded to provide a minimum 6.0m wide carriageway to adequately function as an access way. Kerbside car parking within the carriageway would restrict capacity and two-way flow, thus indented car parking bays are recommended, if required.
- There is adequate spare local road network capacity to cater for traffic generated by a medium size seniors housing development (up to 100 units), whilst maintaining some capacity for other development in the surrounding area. It is noted that Mulga Road is approaching the relevant environmental capacity limit during the PM peak period.
- There is adequate and generally unobstructed sight distances at the Mulga Road/ River Road South intersection to comply with the relevant Austroads guidelines, subject to trimming of trees and undergrowth within Myles Dunphy Reserve to the west.

Indicative plans prepared by Ansell Strategic provide allowance for a public car park that would provide for users of the Myles Dunphy Reserve and public recreation space and community garden to be provided in RE1 land adjacent to the subject site. This will complement and enable greater accessibility to facilities on the site and the natural bushland areas currently enjoyed by the local community.

GTA confirms that Council's intention to provide public car parking for Myles Dunphy Reserve users on-site is expected to largely service existing reserve demands that currently occur on Mulga Road and River Road South. As such, the parking would alleviate on-street parking demands and is not expected to generate any significant additional vehicle trips to the area, particularly during the network peak periods.

It is noted that the existing pathway to the eastern side of River Road is obstructed by electrical infrastructure. Some consideration should also be given for undergrounding power lines on River Road to enable adequate access width to be provided where possible.

Transport for New South Wales has recently undertaken pedestrian upgrades to the Oatley Station, which is expected to rejuvenate amenities and has significantly improve accessibility. Improvements relating to the upgrades include:

- A new pedestrian footbridge leading to Oatley Parade and connecting Mulga Raod with the Oatley Town Centre;
- Enhancements to surrounding landscape and station platforms; and
- Increased parking, storage and interchange upgrades.

This will improve local access between the subject site, the train station and the Oatley town centre to the benefit of future residents.

The ecological constraints assessment undertaken by Molino Stewart included at Appendix E, notes that any future detailed proposal to include a pathway on the western side of the River Road reserve may impact on STIF and EEC vegetation to the west of River Road and specifically, impacts on the Cheese Tree and Sweet Pittosporum. Specifically, Molino Stewart notes that works could potentially affect the structural root zone of existing Turpentine trees. specifically, Molino Stewart notes:

“With thoughtful design a pedestrian path is not likely to have a significant impact on the existing vegetation and may enhance access to the MDR as well any proposed development or community facilities. Further, any impacts unable to be mitigated through the location or the design of a pedestrian pathway could be mitigated through weed management or other positive management strategies within the MDR. This could include actions to improve the ecological value of the other EECs (Swamp Sclerophyll Forest EEC, Freshwater Wetland EEC).”

It is considered that such impacts can be appropriately managed as a part of a future development application.

At a future point in time when detailed design is known, further investigation by a qualified bushfire consultant may be required in addition to those undertaken by Travers and Molino Stewart when specific design details and materials can be assessed.

A more detailed access and traffic engineering assessment can be provided as part of a future Development Application for detailed design and construction of ‘seniors housing’ on the site and any future public recreation uses including additional car parking.

### 3.3.2.8 Potential contamination

Phase 1 and 2 Contamination Assessment prepared by Douglas Partners is included in Appendix F and Appendix G, which conclude that the site is suitable for the proposed rezoning and that it could be made suitable for a seniors housing facility. Refer also to section 3.2.4.3.

### 3.3.2.9 Geotechnical stability

A Preliminary Geotechnical Assessment prepared by Douglas Partners is included in Appendix N. It demonstrates that the geotechnical conditions on the site are capable of supporting the Planning Proposal for residential zoning subject to appropriate structural and geotechnical engineering practices. Douglas partners report recommends additional testing involving test bores at detailed design stage to better understand the thickness and quality of fill used on the site and to establish bearing pressures for foundations.

### 3.3.2.10 Construction impacts

A construction management plan will need to be prepared prior to the commencement of any future construction on site to manage the potential impacts of construction activities. It should address site access control and security, construction traffic, soil and water management, dust suppression, protection of adjacent rail corridor, noise and vibration, waste management, and construction hours.

### 3.3.3 How has the planning proposal adequately addressed any social and economic effects?

As demonstrated throughout this report, there are significant positive community benefits which can be reflected in social and economic outcomes. Specifically the PP will facilitate appropriate development of a disused bowling club facility which is currently overgrown, underutilised and in fact potentially unsafe for the general community to access it. The planning proposal will have the following positive social and economic benefits:

- it meets community need for seniors housing as identified in Council's Strategic Plan and the NSW Government's *A Plan for Growing Sydney* South Subregional priorities;
- it provides greater choice in the range and supply of housing particularly for senior members of the community;
- it will support the local shops, businesses and club in the nearby Oatley local centre and West Oatley neighbourhood centre which provide facilities and services to meet the demands of future housing residents on the site; and
- it provides employment during construction and operation of the proposed uses.

Ansell Strategic has also demonstrated that the PP will create a new opportunity for seniors housing in a location where significant and increasing demand exists.

The social effects associated with security of premises and crime prevention in environmental design will need to be addressed in a future Development Application for the detailed design and construction of future development.

Ensuring that the future redevelopment of the site provides for sufficient public benefit relates in part to providing essential housing to accommodate aging in place. It also relates to the economic benefits that could potentially be generated from the site to assist Council in better providing for community needs.

#### 3.3.3.1 Providing place making benefits to the community

The PP will enable a community oriented recreation space to be provided adjacent to the subject site and in conjunction with a future seniors housing development. This space will provide a gathering space for the community facilitating a greater connection with natural bushland of the Myles Dunphy Reserve. This recreation space will:

- facilitate community interaction;
- foster outdoor education and learning;
- encourage social interaction;
- promote community cohesiveness;
- enable inclusion of older persons;
- provide a place for children to explore and play;
- be more accessible due to public parking;
- provide for active and passive recreation;
- promote healthy living and community activity; and
- promote community and social cohesion.

### 3.3.3.2 Funding Public Benefit and the Jubilee Park Community Centre

The public benefit of the rezoning of the subject site is intrinsically linked to potential funds associated with the future use/management of the site as any funds generated will be used to offset the costs of recently implemented upgrades to community facilities at Jubilee Reserve.

## 3.4 Section D – State and Commonwealth Interests

### 3.4.1 Is there adequate public infrastructure for the planning proposal?

Public transport and utility services infrastructure are available in the locality and adjacent to the site.

The Oatley rail station and main southern rail line is adjacent to the site with pedestrian access to the station within a 400m path of travel.

A Hydraulic Services Infrastructure Assessment prepared by DP Consulting Group Pty Ltd is included at Appendix O. The assessment concludes that the site is well serviced with water, sewer, stormwater and gas mains to accommodate seniors housing development subject to extension of mains as needed.

More detailed engineering studies and plans for utility services infrastructure connections would be carried out as part of a future Development Application for detailed design and construction of development.

### 3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No State or Commonwealth authorities have been consulted yet by the proponent. It is anticipated that the planning authorities in Georges River Council and Department of Planning and Environment will consult relevant public authorities in accordance with the provisions of the EP&A Act and Regulation.

# 4. Part 4: Mapping

## 4.1 The Site

### 4.1.1 Location and Context

The site is located on River Road, Oatley next to the Oatley rail station on the main southern rail line. The area is characterised as a low density residential suburb with Oatley local centre, nearby the rail station, the West Oatley neighbourhood centre and a series of parks and bushland reserves that extend to the south to inlet bays on the Georges River. The location of the site is shown in Figure 16.

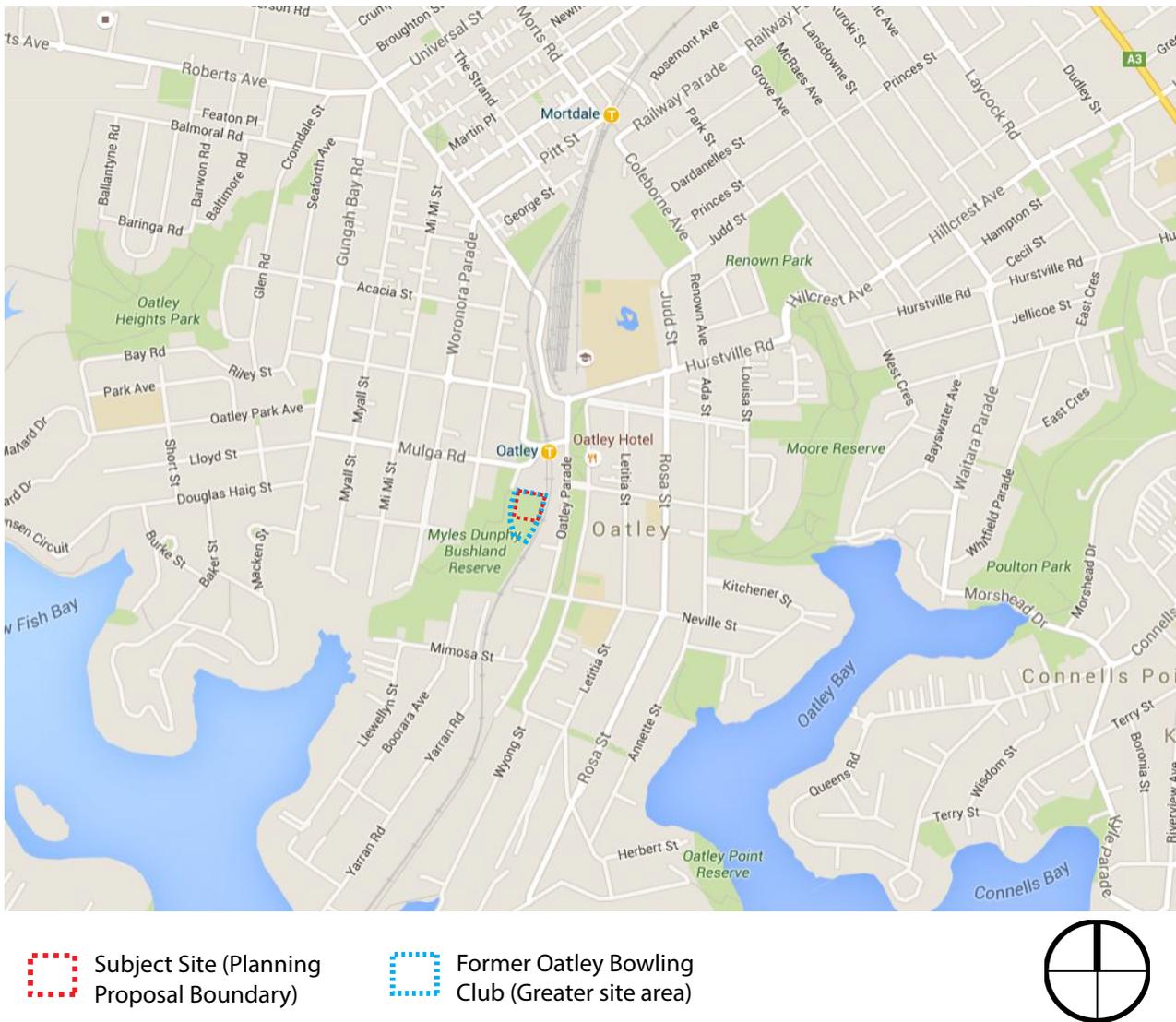


Figure 16. Regional context of the subject site (Planning Proposal Boundary) and greater Former Oatley Bowling Club site area Source: Google Maps

Figure 15 illustrates the contextual setting of the site. Figure 17 illustrates the site's location in the context of its cadastral setting and site and surrounding features. Figure 18 illustrates that the site is not currently defined as a single lot.



Figure 17. Local context plan (Source: Nearmap)



 Subject Site (Planning Proposal Boundary)

 Former Oatley Bowling Club (Greater site area)



Figure 18. Aerial photo of the site (Source: Six Maps) Site outlined in red

### 4.1.2 Site Description

The site is currently legally described as Lots 14 to 17 Section 3 DP 7124, and Lot 1 DP1159269 - Part River Road as shown in the cadastral plans at Figure 18 and the site survey included in Appendix P. The land is owned by Georges River Council. The subject site is currently classified as community land.

This PP pertains to proposed Lot 101 as described in the draft plan of subdivision. The site has an area of 6,260m<sup>2</sup> as identified by Figure 19 and the draft plan of subdivision provided as Appendix Q.

The subject site's dimensions are approximately 80m in length in a north-south direction, and a varying width of approximately 70m to 80m in an east-west direction. It is bound to the north by a residential property containing detached dwelling house, to the east by the main southern rail line, and to the south and west by Myles Dunphy Reserve.

A sewer line traverses the site in a north east/ south west direction. As per the site survey provided in Appendix P, the exact nature and depth of this infrastructure would require further investigation as a part of a future detailed design process.

At present, there are no formal cadastral boundaries that define the site. The greater Former Oatley Bowling Club Site is currently defined by a combination of topographical features and the eastern edge of the Myles Dunphy Reserve Plan of Management boundary.

A previous subdivision application has been approved for the site for the 'greater former Oatley Bowling Club site' area as reflected by the blue dotted line in Figures 18 and 19. As the PP area has now been amended in accordance with the Council Administrator's resolutions, an alternative site boundary will need to be formally established.

As such, a new subdivision development application will be prepared for the purposes of public exhibition of the PP to reflect the nominated Planning Proposal boundary illustrated in Figure 19, which is based on the draft plan of subdivision at Appendix Q. It is intended that the subdivision DA will be prepared after a Gateway determination is made, and for public exhibition of the subdivision DA to coincide with the public exhibition of this PP.

The aim of future subdivision of the land is to create a single consolidated Torrens Title lot to establish a formal cadastral boundary for the subject site and therefore a zoning boundary for the purposes of this rezoning and reclassification PP and implementation of the outcomes envisaged by this PP.

Refer to Figure 19, which illustrates the proposed site boundary which responds to the nominated site area set out in Councils resolution dated 7 November 2016 and a subsequent resolution dated 5 June 2017.

A draft plan of subdivision is provided as Appendix Q and is illustrated in Figure 19, which includes an overlay of the underlying site survey.



### 4.1.3 Site boundary

No legal property boundary exists to define the subject site and therefore the proposed extent of reclassification, rezoning and introduction of building height and FSR controls that would occur on the site.

As such, a draft plan of subdivision has been provided as Appendix Q, which will form the basis of a future subdivision development application, which is intended to be exhibited concurrently with this PP post gateway. The extent of reclassification, rezoning and introduction of height and FSR controls proposed by this PP is limited to proposed Lot 101 as referenced on the draft plan of subdivision provided as Appendix Q and represented in Figure 19.

The proposed site configuration within the draft plan of subdivision allows for the site to be developed without providing additional public roadways. It will facilitate access to a seniors' housing component and the intended public recreation space adjacent to the site via a shared internal driveway, as demonstrated within indicative concept plans prepared to inform Ansell's feasibility investigations.

As represented in the draft plan of subdivision, it is intended that access across the site to the public recreation space to the south of the proposed SP2 zone, would be accessible in perpetuity via a 14.115m wide Right of Carriageway in favour of Council.

Any future development of the site would be required to address numerous constraints, particularly bushfire, which will have a significant impact on future site planning. This is likely to require the flexibility of a larger site to ensure these constraints can be appropriately managed.

### 4.1.4 History of Council Interest in the Land

Georges River Council's records show that the majority of the site, being Lots 14 to 20 Section 3 DP 7124, was acquired by Council in 1945 from a private owner. Council's records of the acquisitions are limited to the transfer documents which indicate that the acquisition was for what appears to be improvement and embellishment of the area, and there is no evidence to suggest that the acquisitions were for any particular purpose. These acquisitions were not part of a formal resumption process.

The part of the unmade River Road reserve (Part Lot 1 DP1159269) was resumed by and vested in Georges River Council for the purpose of the improvement and embellishment of the area (Government Gazette No.148 23/12/60). This unmade part of River Road running through the site appears to be the only part of the subject site that was formally resumed by Council for a particular purpose.

In 1959, the Oatley Bowling Club was formed and community funds were raised for the construction of a clubhouse and associated greens. The Club was leased to the Oatley Bowling and Recreation Club Limited until 2006. The Club was closed in 2006 and the building was subsequently demolished by Council in 2011. The building had sat vacant for an extended period of time and had been subjected to significant vandalism. As such, due to public health and safety concerns, Council proceeded with its demolition.

Council's solicitor advises that there is no evidence of any trusts, estates, interests, dedications, conditions, restrictions or covenants over the site. This is evidenced in Appendix M.

The site is identified by Council in its Community Strategic Plan as the preferred location for an aged care development, and Council is proceeding with this Planning Proposal to rezone and reclassify the site primarily for this purpose as well as ensure ongoing community uses.

#### 4.1.5 Existing Development

The site was formerly used as the Oatley Bowling Club. It contains the former bowling greens and associated retaining walls which can be seen clearly on the aerial photo at Figure 17. All other building structures associated with the former bowling club have been demolished apart from a small metal shed in the north eastern corner of the site. Road access is available to and from the site directly via the partially constructed River Road. Utility services are also available adjacent to the site. The site currently serves no functional purpose.

#### 4.1.6 Topography and Vegetation

The 'greater Former Oatley Bowling Club site' has a stepped topography formed by earthworks associated with previous development over a moderate to steep sloping natural topography. The site falls from the high point at RL 28.32 on the north eastern corner to the low point at RL12.6 on the south west end of the site. The stepped topography includes two flat terraced former bowling greens and associated retaining walls created by fill that remain on the northern part of the site. A relatively flat building platform has been cut into the natural slope for the former bowling club building which has now been demolished to the immediate south of the greens. A gently sloping sealed access road on the top of a steep embankment follows the western and southern boundaries of the site. There are no creeks or distinct drainage lines running through the site.

The majority of the site has been previously cleared of native trees to accommodate earlier development on the site. The vegetation on the site is limited to a mix of native and exotic trees and shrubs primarily around the site perimeter on eastern, southern and western boundaries, and a predominance of exotic grass groundcover.

#### 4.1.7 Surrounding Land Use and Development

To the north of the site is a residential zone comprising detached dwelling houses. To the east of the site on the opposite side of the main southern rail line is the Oatley local centre which includes a range of shops, business premises and clubs.

To the west of the site on the opposite side of the unmade River Road is a bushland riparian creek corridor that leads to the south. Further to the west on the opposite side of the creek corridor is a residential zone of detached dwelling houses and the West Oatley neighbourhood centre.

To the south of the site is an open space bushland and riparian corridor that leads down to Gungah Bay on the Georges River approximately 500m to the south.

**Image 1:** View looking north up River Road from the subject site. Low density single residential dwellings visible on the right of the photograph.



**Image 2:** View towards the south showing the retaining walls of the bowling greens to the left and bushland of Myles Dunphy to the right.



**Image 3:** View looking south across the site showing the degree of clearing and terraced topography of the site.



**Image 4:** View looking adjacent to the western boundary of the site showing the steep topography towards Myles Dunphy .



## 4.2 Current Planning Provisions

### 4.2.1 Current Land Classification

The whole site is currently classified as 'community land' under the *Local Government Act 1993*.

### 4.2.2 Current Land Use Zoning

The site is currently zoned RE1 Public Recreation under the HLEP 2012 as shown below in Figure 20.

#### Current LZN Map - Tile 6

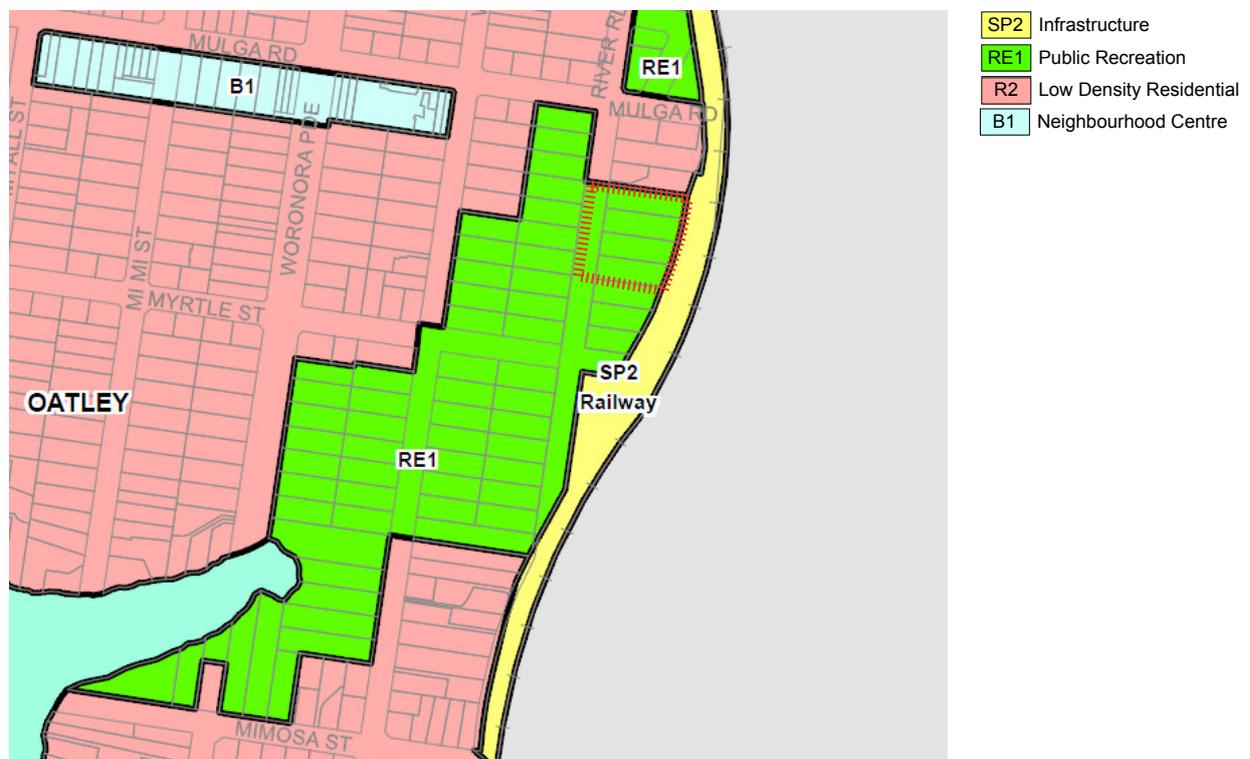


Figure 20. Current LZN Map under Hurstville LEP 2012 (site outlined in red) (Source NSW Legislation)

### 4.2.3 Current Building Height

No maximum building height provisions currently apply to the subject site as shown in Figure 21.

#### Current HOB Map - Tile 6



Figure 21. Current HOB Map under Hurstville LEP 2012 (site outlined in red) (Source NSW Legislation)

#### 4.2.4 Current Floor Space Ratio

No floor space ratio provisions currently apply to the subject site as shown in Figure 22.

**Current FSR Map - Tile 6**



Figure 22. Current FSR Map under Hurstville LEP 2012 (site outlined in red) (Source NSW Legislation)

## 4.3 Proposed Planning Provisions

This PP seeks to amend the HLEP 2012 as described below. Proposed mapping amendments are provided as Appendix O.

### 4.3.1 Proposed Land Classification

The PP seeks an amendment to Schedule 4 - Classification and reclassification of public land in the HLEP 2012 by inserting the following:

#### **Schedule 4 - Classification and reclassification of public land**

(Clause 5.2)

Part 2 Land classified, or reclassified, as operational land - interests changed

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Locality	Description	Any trusts etc. not discharged
Oatley	Proposed Lot 101 as described within the draft plan of subdivision (currently known as Lots 14 to 17 Section 3 DP 7124, and part of the unmade roads of River Road) as shown edged heavy black in the maps marked Hurstville Local Environmental Plan 2012 – Amendment No.X.	Nil

In accordance with section 29 of the *Local Government Act 1993 No 30*, a public hearing Section 57 of the *Environmental Planning and Assessment Act 1979* to reclassify community land as operational land will be required.

### 4.3.2 Proposed Land Use Zoning

The PP seeks to amend the Land Zoning Map in Hurstville LEP 2012 to rezone the site from RE1 Public Recreation to SP2 Infrastructure, with designated land use of 'seniors housing'.

Figure 23 illustrates the proposed amendments, which are also provided as Appendix R.

#### Proposed LZN Map - Tile 6

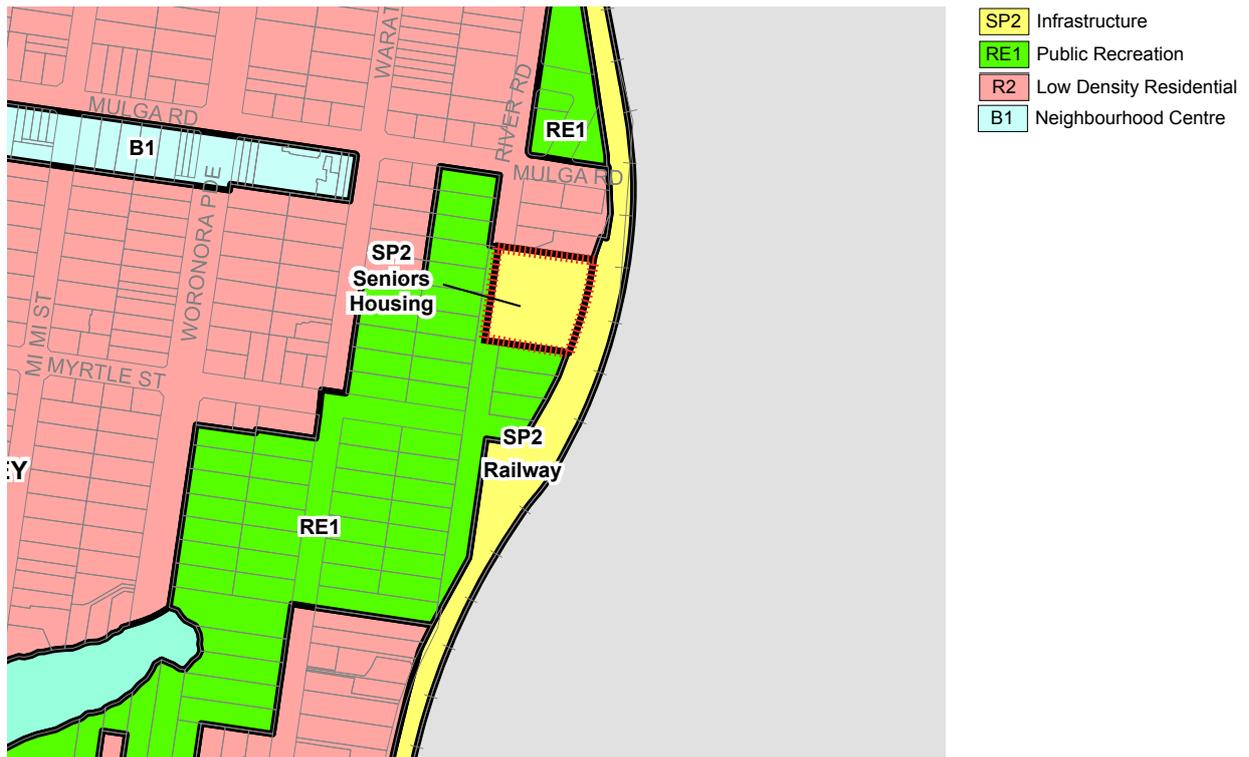


Figure 23. Proposed amendment to the LZN Map under Hurstville LEP 2012 (site outlined in red) (Source NSW Legislation)

### 4.3.3 Proposed Building Height

This PP seeks to introduce a height designation of P1 to allow for a maximum height of 18.5m.

Figure 24 illustrates the proposed amendments, which are also provided as Appendix R.

**Proposed HOB Map - Tile 6**

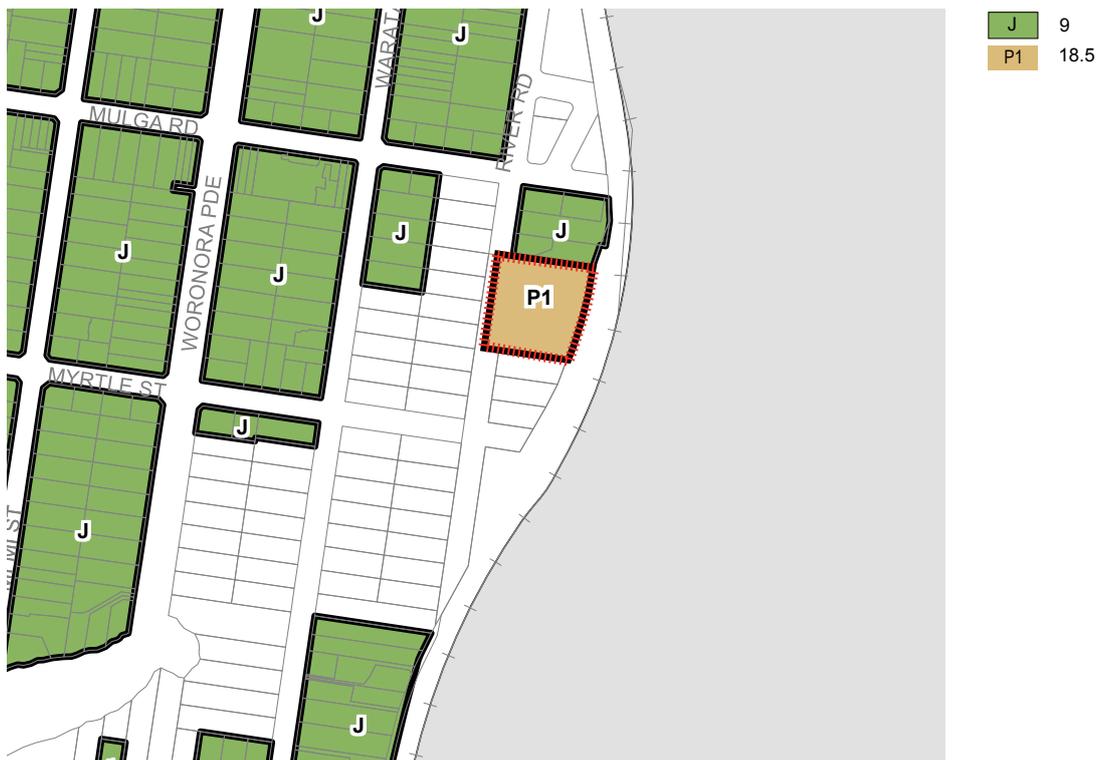


Figure 24. Proposed amendment to the HOB Map under Hurstville LEP 2012 (site outlined in red) (Source NSW Legislation)

#### 4.3.4 Proposed Floor Space Ratio

This PP seeks to introduce a Floor Space Ratio designation of F to allow for a maximum FSR of 1.2:1.

Figure 25 illustrates the proposed amendments, which are also provided as Appendix R.

**Proposed FSR Map - Tile 6**



Figure 25. Proposed amendment to the FSR Map under Hurstville LEP 2012 (site outlined in red) (Source NSW Legislation)

# 5. Part 5: Community Consultation

## 5.1 Consultation prior to 22 September 2010

Prior to the resolution of Council dated 22 September 2010, which seeks to establish seniors housing and a community facility in the form of a function centre on the site, a number of engagement processes were undertaken. These are evident in Minute No. 303 CCL186-10, provided as Appendix S.

The following extract from the minutes of Council's meeting are provided as follows:

In March 2009 Council engaged Ms Sandy Hoy of Parkland Environmental Planners and Mr Robert Hook of Public Domain Consultation Facilitators to undertake a comprehensive public consultation on the future use of the former Oatley Bowling Club site.

The key purpose of the community consultation was to answer: "What is the community's preferred use of the former Oatley Bowling Club site?"

The community consultation was undertaken in two phases. Stage 1 was individual meetings with 19 local interest groups conducted during April and May 2009. Stage two was an open public meeting held in the Marana Auditorium, Hurstville Entertainment Centre on 19 September 2009.

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...

Various combinations of options were suggested during the group consultation process, these combinations were generally:

- Options 1 and 2 : Partial re-vegetation of the site plus restore the building
- Options 2A and 3 : Community facility and a private function centre
- Option 2 and 4: Aged care facility plus public function centre or community garden / nursery
- Options 2 and 4: Rural education centre, senior citizens / function centre and aged care facility

....

Of the four options under consideration for the future use of the former Oatley Bowling Club site the majority of respondees to the community consultation supported either:

- Seniors Living Development on the site and the upgrade of Jubilee Park or
- The restoring the club building for community uses.

Hurstville Open Space, Recreation, Community & Library Facilities Strategy does not recommend the conversion of the former bowling club building for community purpose but the construction of a new community building within the Mortdale area to service both Oatley and Mortdale communities.

A more detailed account of community consultation activities prior to September 2010 is provided as Appendix S (Council Minutes 22 September 2010).

Following the engagement processes undertaken at the time, Council considered the outcomes and made its resolution to proceed with the option for seniors housing and a community facility of the site in the form of a meeting facility.

Therefore it is considered that this PP is consistent with the outcomes of the above engagement process, which was ratified through Council's September 2010 resolution.

## 5.2 Consultation 23 November 2016 - 5 February 2017

Following submission of the October 2016 PP, Council undertook extensive preliminary community consultation with respect to the PP. Community consultation was led by independent specialist Elton Consulting. The public consultation program was delivered from November 2016 to February 2017. It is noted that this consultation is in addition to that required in accordance with the relevant provisions of the EP&A Act and Regulation.

Three Community Information and Feedback Sessions, a community survey and a phone survey were delivered as part of the community consultation. This represented the next steps in an ongoing dialogue with the community about the potential redevelopment options for this site.

Submissions were invited from the community between 23 November 2016 and 5 February 2017.

Elton's outcomes report provided as Appendix T found varying support for the proposed development. Generally, those people who participated in the phone survey, both within the suburb of Oatley and those in surrounding suburbs, were supportive of the proposal. Those who attended the Community Information and Feedback Sessions or complete the community survey generally expressed more concerns about the proposal.

With regard to submissions received, Elton Consulting summarised the following:

*"The submission process was an opportunity for the community to provide further detailed comments on the planning proposal.*

*The fifty two submissions received addressed in detail a number of issues for the community. These issues can be summarised as:*

- *The site location.*
- *The scale of the development and setting a precedent for the area.*
- *Preserving the character of Oatley's built environment.*
- *Privatisation of public land.*
- *Concern for the preservation of flora and fauna.*
- *Mixed views on whether the site should be preserved for open space or structured recreational spaces.*
- *Road access to the site and parking for the site.*

*There are no additional key findings in the submissions that were not previously mentioned or addressed in the Outcomes Report (February 2017).*

*The feedback through the submission process is largely consistent with the findings of feedback from the Community Information and Feedback Sessions and the community survey – that is they generally expressed more concerns about the proposal when compared to those who participated in the phone survey."*

Outcomes of the engagement process are provided within Appendix T. Outcomes of the submissions process are provided as Appendix U.

In March 2017, in response to feedback received from the community regarding the consultation process, Georges River Council appointed Cred Consulting to undertake a further peer review of the Outcomes Report, Community Consultation for the former Oatley Bowling Club site (November 2017 to February 2017), by Elton Consulting (Outcomes Report provided as Appendix T).

The peer review evaluated the process used for the community consultation (including methodology and communications) and the validity of the results and data obtained. Cred Consulting's report is provided as Appendix U.

Cred Consulting concluded that Elton's Outcomes Report, Community Consultation for the former Oatley Bowling Club site (November 2017 to February 2017), Elton Consulting is considered to be a high-quality report based on a robust methodology and wide ranging activities.

Key themes expressed during the consultation process included building height, traffic capacity, safety of access/ egress in relation to bushfire risk and the desire for a community garden to be included within the public recreation component of the site.

It is considered that buildings height and traffic capacity have been adequately justified for the purposes of this Planning Proposal.

Concerns relating to safety of access/ egress in relation to bushfire risk have been given further consideration by ecological and hazards experts Molino Stewart within the integrated response provided as Appendix L.

In addition to the above, the desire for a community garden is now referenced in the indicative plans provided in Appendix A.

The planning authorities in Georges River Council and Department of Planning and Environment will conduct community consultation in accordance with the relevant provisions of the EP&A Act and Regulation which includes newspaper advertisement, public exhibition at Council offices and on Council's website, notification letters to adjacent property owners, and public hearing for reclassification of the land.

# 6. Part 6: Project Timeline

The following indicative timeline is provided in accordance with 'A guide to preparing planning proposals' prepared by the Department of Planning and Environment (2016).

Stage	2017							2018								
Month	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S
Resolution to proceed to Gateway	█															
Revise Planning Proposal	█															
Revised Proposal Lodged with Council		█														
Council Review and Endorsement		█	█	█												
DPE Assessment				█	█											
Gateway Determination						█										
Agency Consultation							█	█	█							
Public Exhibition of PP								█								
Consideration of Proposal Post Exhibition									█	█						
Council Independent Assessment										█	█	█				
Consideration by Elected Council												█				
Submission to DP&E to finalise LEP													█			
DPE Assessment													█	█	█	
Plan Making																█

# 7. Conclusion

The planning proposal is considered to have strategic planning merit and is justified as it:

- is consistent with Georges River Council's intended use and strategic direction for the site outlined in:
  - » Hurstville Community Strategic Plan 2025 and associated Delivery Plan and Operation Plan which identify the need for seniors housing in the locality and the specific opportunity for the development of seniors housing on the subject site with any revenue generated from it to be used to ensure ongoing and sustainable provision of fund community services and facilities by offsetting costs associated with recent upgrades to Jubilee ;
  - » Hurstville Positive Ageing Strategy, which seeks to manage changes associated with an ageing population to facilitate facilitating the positive ageing for seniors within the community;
  - » the resolution of Council dated 22 September 2010 (Minute No. 303 CCL186-10), which seeks to establish seniors housing and a community meeting facility and community garden, which has been provided for within the proposed public recreation area which acts as both a community meeting destination inclusive of a community garden; and
  - » the resolutions of Council dated 7 November 2017 and 5 June 2017, which sought to reduce the reclassification and zoning area, engage in community consultation and undertake further investigations with respect to safety of access in relation to potential bushfire events;
- is considered the best means of achieving the objectives and intended outcomes as it amends the zoning and development standards applying to the site under Hurstville LEP 2012 to be compatible with that of surrounding residential zone properties, and reclassifies the land via the LEP as required by the Local Government Act 1993;
- is consistent with community expectation as per the outcomes of community engagement activities undertaken between November 2016 and February 2017;
- is consistent with *A Plan for Growing Sydney* and the South Subregion priorities including in particular the strategic directions for increasing supply of housing for seniors and in locations with good accessibility to transport infrastructure and urban centres;
- is consistent with *the Draft South District Plan* as it will assist in increasing supply of housing for seniors in a well connected locality with good accessibility to transport infrastructure and local amenities;
- can meet the requirements of relevant State Environmental Planning Policies including SEPP 19-Bushland in Urban Areas; SEPP 32-Urban Consolidation; SEPP 55-Remediation of Land; SEPP (Infrastructure) 2007; and SEPP (Housing for Seniors or People with a Disability) 2004;

- meets the requirements of relevant S.117 Ministerial Directions including those numbered 2.3 Heritage conservation; 3.1 Residential Zones; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.4 Planning for Bushfire Protection; 6.3 Site Specific Provisions; and 7.1 Implementation of *A Plan for Growing Sydney*;
- is respectful of the character and scale of housing in the locality and is compatible with surrounding land uses;
- is in a location where transport and utility infrastructure are available, and there will be minimal if any public infrastructure cost on the community;
- is in a location where environmental planning issues and potential impacts are not of such significance as to preclude the proposal, and can be managed in the planning and design of a future Development Application.

Indicative concepts plans provided with this PP for the purposes of feasibility investigations, demonstrates that an appropriate built form can be achieved on the site based on the proposed land uses and within the maximum development standards. Although these concepts are not intended to reflect a final detailed design outcome for the site, they reflect Council's intent to ensure that the use of the site provides adequate public benefit in by enabling Council to deliver a number of uses on the site that specifically seek to cater for the needs of the community. In particular, the PP will:

- provide for much needed seniors accommodation and services within a community with an increasing ageing population;
- allow for a recreation space on adjacent RE1 land that is able to cater for the needs of seniors within the subject site, their families and the wider Georges River community;
- complement the use of the site for seniors and community activities with a public recreation area, including a wide range of place making features that would be available, in perpetuity, to all members of the community and provide greater connection with the adjacent Myles Dunphy Reserve;
- allow for public car parking to a portion of the site and 'greater former Oatley Bowling Club site area' to improve accessibility to the Myles Dunphy Reserve without encroaching into or impacting on the reserve itself; and
- transform and reinvigorate a site, which is currently not intended to be freely accessible and which provides limited public benefit to the community into a multipurpose destination that benefits a diverse local community.

This PP and indicative design concept outlined in Ansell Strategic's feasibility study, demonstrates that the subject site has capacity to accommodate the proposed reclassification, land use rezoning (SP2 with the designated use of 'seniors housing') and introduction of height and FSR controls, with appropriate management of environmental planning and design issues at the Development Application stage.

Given the above strategic planning merit and justification, Council is requested to proceed to forward this planning proposal to the Minister or his delegate for a gateway determination under section 56 of the *EP&A Act* to enable the proposal to be exhibited for a Gateway determination and public, community and stakeholder input.

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# Appendix A – Ansell Feasibility Investigations

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# Appendix B – Ansell Needs Analysis

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# Appendix C - Traffic Impacts Analysis

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# Appendix D - Table of SEPPs

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# Appendix E - Ecological Constraints Analysis

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# Appendix F - Phase 1 Contamination Assessment

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# Appendix G- Phase 2 Contamination Assessment

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# Appendix H - Train Noise and Vibration Assessment

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# Appendix I - Bushfire Assessment – TBE February 2014

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# Appendix J - Bushfire Assessment – TBE April 2014

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# Appendix K - Table of Section 117 Directions

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# Appendix L – Integrated Response - Molino Stewart April 2017

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# Appendix M - Evidence of reserve status/ interests / trusts

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# Appendix N - Geotechnical Report

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# Appendix O - Hydraulic Services Infrastructure Report

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# Appendix P - Site survey

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# Appendix Q - Draft Plan of Subdivision

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# Appendix R – Proposed Map Amendments

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# Appendix S - Minute No. 303 CCL186-10 22 September 2010

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# Appendix T – Outcomes of Engagement Process – Elton Consulting

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# Appendix U – Submissions Report – Elton Consulting

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# Appendix V – Peer Review Community Consultation – Cred Consulting

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