

Finance and Strategy Committee



Report Title: Proposed Land Exchange, Reclassification and Rezoning of Part 99R Acacia Road, Sutherland

Report Number: FAS007-17 **Committee Meeting Date:** 04/07/2016

EXECUTIVE SUMMARY

- Bupa Care Services Pty Ltd (Bupa) intend to develop the vacant portion of its land at 42 Auburn Street, Sutherland as a seniors housing development and seek Council support to enter into an equal land exchange involving part of the Council owned land at 99R Acacia Road, Sutherland and part of its adjoining site at 42 Auburn Street, Sutherland.
- The Council land at 99R Acacia Road, Sutherland is classified as Community Land and will require reclassification of the portion proposed to be exchanged to Operational Land and rezoning from RE1 Public Recreation to R4 High Density Residential in order for the land to be exchanged. The portion of 42 Auburn Street, Sutherland to be acquired by Council in the exchange will require rezoning from R4 High Density Residential to RE1 Public Recreation.
- The Council land at 99R Acacia Road was dedicated to Council as a public reserve when the adjoining site now owned by Bupa was subdivided in 2006.
- Both parties would benefit from the land exchange as it would regularise the shape of both land parcels and result in a better planning and public amenity outcome.

REPORT RECOMMENDATION

THAT:

1. The land exchange of part of 99R Acacia Road Sutherland, being Lot 11 Deposited Plan 1103619 (land owned by Sutherland Council) with the adjoining property owners of 42 Auburn Street Sutherland (Bupa) , for an equal area of land of the adjacent lot at 42 Auburn Street, being Lot 200 Deposited Plan 1110295, be supported.
2. A Planning Proposal is submitted by the Strategic Planning Unit to NSW Planning and Environment for Gateway Approval. The Planning Proposal is for an amendment to Sutherland Shire Local Environmental Plan 2015 to rezone part of 99R Acacia Road Sutherland (Lot 11 Deposited Plan

1103619) from RE1 Public Recreation to R4 High Density Residential, and to rezone an equal portion of part of 42 Auburn Street Sutherland (Lot 200 Deposited Plan 1110295) from R4 High Density Residential to RE1 Public Recreation, with no net loss of land zoned RE1 Public Recreation. The Planning Proposal for rezoning of part of 99R Acacia Road Sutherland (Lot 11 Deposited Plan 1103619) to include reclassification of the land from 'Community' to 'Operational' land.

3. Prior to the rezoning and reclassification of the land, pursuant to Clause 400 of the Local Government General Regulation 2005, the following documents be executed under Common Seal of the Council of the Sutherland Shire, subject to the terms and conditions being acceptable to the General Manager, in the presence of the Mayor and General Manager, as the documents relate to the business of Council:

Type of Document: Contract for Sale, Deed of Agreement, Transfer Document, Plan of Subdivision and all associated documentation to effect the land exchange.

Other Party: The registered proprietors of Lot 200 in DP 110295

Purpose: To exchange part of Lot 11 in DP 1103619 (owned by Council) with part of Lot 200 in DP 1110295 (owned by Bupa)

PURPOSE

This report seeks a resolution from Council that supports a proposed land exchange between part of Council's land at 99R Acacia Road Sutherland and an equal part of the adjoining property at 42 Auburn Street Sutherland (Bupa Sutherland). Should Council support the land exchange, this report also seeks a resolution that a Deed of Agreement is entered into between Council and Bupa prior to the rezoning and reclassification of the land.

The report also seeks a resolution from Council that the Strategic Planning Unit prepare a Planning Proposal to amend SSLEP2015 to rezone that part of 99R Acacia Road Sutherland proposed to be exchanged with the adjoining property from RE1 Public Recreation to R4 High Density Residential, and to reclassify it from Community Land to Operational Land. The Planning Proposal would also be to rezone that part of 42 Auburn Street Sutherland proposed to be exchanged from R4 High Density Residential to RE1 Public Recreation, as this land would form part of a reconfigured public reserve.

BACKGROUND

The site at 42 Auburn Street has frontage to Auburn Street, Old Princes Highway and Acacia Road and is owned by Health Care Property Funds Pty Ltd (Bupa). Approximately two thirds of the property at 42 Auburn Street has since been developed by Bupa Care Services Pty Ltd and operates as a residential aged care facility (RACF) known as Bupa Sutherland. Approximately 4500 m² of vacant land on this site remains undeveloped; the vacant portion fronts Acacia Road and adjoins Council's land at 99R Acacia Road.

The property at 99R Acacia Road, Sutherland was dedicated to Council as public reserve in 2006 when it was subdivided from the adjoining site at 42 Auburn Street, Sutherland. Council's land at 99R Acacia Road is currently fenced and has not yet been embellished as a park. There have been recent requests from nearby residents for Council to embellish this land which was intended to be a park into usable open space for residents.

Council's land at 99R Acacia Road is an irregular L-shape; the vacant portion of Bupa's land at 42 Auburn Street is also an irregular shape. Attached to this report are Appendix 1 showing the current configuration of these two properties, Appendix 4 showing the context of the subject sites, and Appendix 5 showing the parts of the subject sites which are proposed to be rezoned, reclassified and subsequently exchanged between Sutherland Shire Council and Bupa Care Services Pty Ltd.

DISCUSSION

SDH & Associates (SDHA), working on behalf of Bupa, wrote to Council advising that Bupa intends to develop the vacant portion of its site at 42 Auburn Street as a seniors housing development. Bupa has identified an opportunity for a possible land exchange with Council that would regularise the shape of both land holdings which is of benefit to both parties. The concept of this land exchange is illustrated in Appendix 2 - Proposed site plan, and Appendix 5 'Areas Proposed for Land Exchange'. The proposed land exchange would involve Bupa transferring part of its land to Council and Council transferring part of its land to Bupa.

The proposed land exchange would result in Council having a rectangular-shaped land parcel which is a better configuration for a future park. The Bupa site would also be rectangular in shape which would be a better planning outcome for their proposed seniors housing development. The proposed land exchange would result in Council and Bupa retaining exactly the same area of land, therefore there would be no loss of land area to Council. Appendix 3 - illustrates how the two sites could be developed should a land exchange take place.

Representatives on behalf of Bupa met with Council staff from Property Services, Strategic Planning and Asset Management - Parks and Reserve. Council staff and SDHA agreed that a proposed land exchange has the following merits:

- The development by Bupa of its site as a seniors housing development which adjoins a Council reserve will encourage and embrace the interaction of its residents with the community at large and vice versa;

- Implementing the land exchange will deliver a better outcome for an urban physical planning basis for Bupa in its seniors housing development and for Council and the community as a whole;
- A rectangular shaped land parcel to be embellished as a park, as opposed to the current L-shaped parcel will provide a better outcome for the community and will provide a more useable open space area.

The Bupa site and the adjoining properties are zoned R4 High Density Residential. Council's land at 99R Acacia Road is zoned RE1 Public Recreation. Should Council support the proposed land exchange with Bupa, then a rezoning of the portion to be exchanged will be required in order for Bupa to include this land in any future seniors housing development application. The rezoning will also include the application of the R4 development standards to the land, namely FSR of 1.5:1; maximum height of buildings 20m and 30% landscape area.

It is also appropriate that the land acquired by Council in exchange, currently part of 42 Auburn Street, is rezoned from R4 High Density Residential to RE1 Public Recreation, and the FSR, maximum building height and landscape area controls removed. This land, once acquired by Council, will become automatically classified as Community Land after three months, in accordance with the Local Government Act 1993.

In order to protect Council's interests, prior to rezoning and reclassification, it is considered necessary that the parties enter into a formal written Deed of Agreement documenting the terms of the land exchange.

Each rezoned area will be equal and approximately 440m² in area. The proposed new zone boundaries will be confirmed by survey. The land exchange will create a usable shape for the park of approximately 1635m², which will provide much needed public open space in an area close to Sutherland Centre, which will potentially be more densely populated in the future.

Whilst Bupa has not suggested that they would fund the embellishment of the future park at 99R Acacia Road Sutherland, this is something that Council could negotiate with Bupa which would be of benefit to Council, the community and the future residents of Bupa's proposed seniors housing development.

CONSULTATION

There has been no external consultation undertaken on this matter. However, should Council support rezoning and reclassification of part of this land parcel to allow a land exchange, the process of amending Sutherland Shire Local Environmental Plan 2015 will include public exhibition and a public hearing for the reclassification of the land. Consultation requirements will be set in the Gateway Approval but generally involve a 14 or 28 day public exhibition with documentation available for public

viewing.

BUDGET AND RESOURCES

The subject matter of this report is the responsibility of the Property Services Unit utilising existing resources. The preparation of a Planning Proposal to progress the LEP amendment and facilitate the land exchange is budgeted for within the budget and resources allocation to Strategic Planning.

POLICY

To enable Council to proceed with a land exchange with Bupa, it is necessary for Council's Strategic Planning Unit to submit a Planning Proposal to NSW Planning and Environment to amend Sutherland Shire Local Environmental Plan 2015. The Planning Proposal is to rezone part of 99R Acacia Road Sutherland (part Lot 11 Deposited Plan 1103619) from RE1 Public Recreation to R4 High Density Residential, and to rezone an equal part of 42 Auburn Street Sutherland (part Lot 200 Deposited Plan 1110295) from R4 High Density Residential to RE1 Public Recreation.

The Planning Proposal will also be to reclassify the same part of 99R Acacia Road Sutherland from 'Community Land' to 'Operational Land' in accordance with the relevant sections of the Local Government Act 1993.

The rezoning and reclassification are required for the land at 99R Acacia Road to be utilised by Bupa in any future development of their site at 42 Auburn Street Sutherland.

CONCLUSION

There is merit in the proposal put forward on behalf of Bupa for a land exchange to occur with Council. This land exchange will see both parties benefit from having regular shaped land parcels of exactly the same area they currently have. A near square shaped park will result in a better outcome for Council and the community by providing a more useable open space area. A park adjoining the proposed seniors housing development will provide amenity to the future residents of this facility, their visitors and the surrounding residents.

To facilitate the land exchange, it is recommended that Council support the rezoning of part of 99R Acacia Road Sutherland (part Lot 11 Deposited Plan 1103619) from RE1 Public Recreation to R4 High Density Residential, and reclassification from Community to Operational, and to rezone an equal part of 42 Auburn Street Sutherland (part Lot 200 Deposited Plan 1110295) from R4 High Density Residential to RE1 Public Recreation.

The rezoning and subsequent land exchange will result in no net loss of Council owned land zoned RE1 Public Recreation.

RESPONSIBLE OFFICER

The officers responsible for the preparation of this Report are the Property Services Manager Lani Richardson, who can be contacted on 9710 0614, and the Manager Strategic Planning Mark Carlon, who can be contacted on 9710 0523.

File Number: 2015/227736

COMMITTEE RECOMMENDATION

That the report on the proposed Land Exchange, Reclassification and Rezoning of Part 99R Acacia Road, Sutherland be deferred to the Council Meeting to be held on 18 July 2016.

(Councillor Simpson / Councillor Riad)

COUNCIL RESOLUTION

THAT:

1. The land exchange of part of 99R Acacia Road Sutherland, being Lot 11 Deposited Plan 1103619 (land owned by Sutherland Council) with the adjoining property owners of 42 Auburn Street Sutherland (Bupa) , for an equal area of land of the adjacent lot at 42 Auburn Street, being Lot 200 Deposited Plan 1110295, be supported.
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Other Party: The registered proprietors of Lot 200 in DP 110295

Purpose: To exchange part of Lot 11 in DP 1103619 (owned by Council) with part of Lot 200 in DP 1110295 (owned by Bupa)

(Councillor Schreiber / Councillor Walton)

APPENDIX APPENDIX A



Appendix A - Current Site Plan.pdf

APPENDIX B



Appendix B - Proposed Site Plan.pdf

APPENDIX C



Appendix C - Future Plan.pdf

APPENDIX D

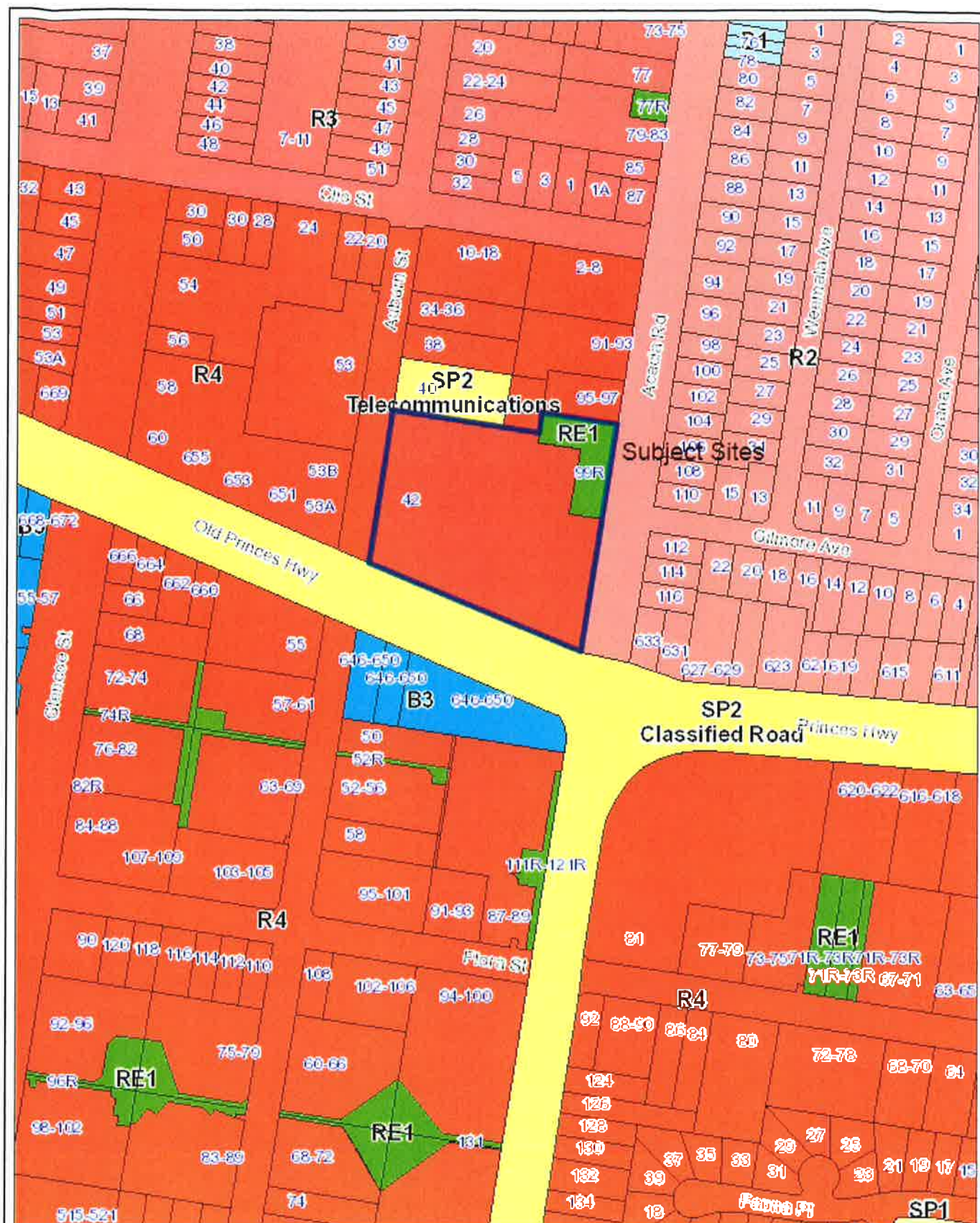


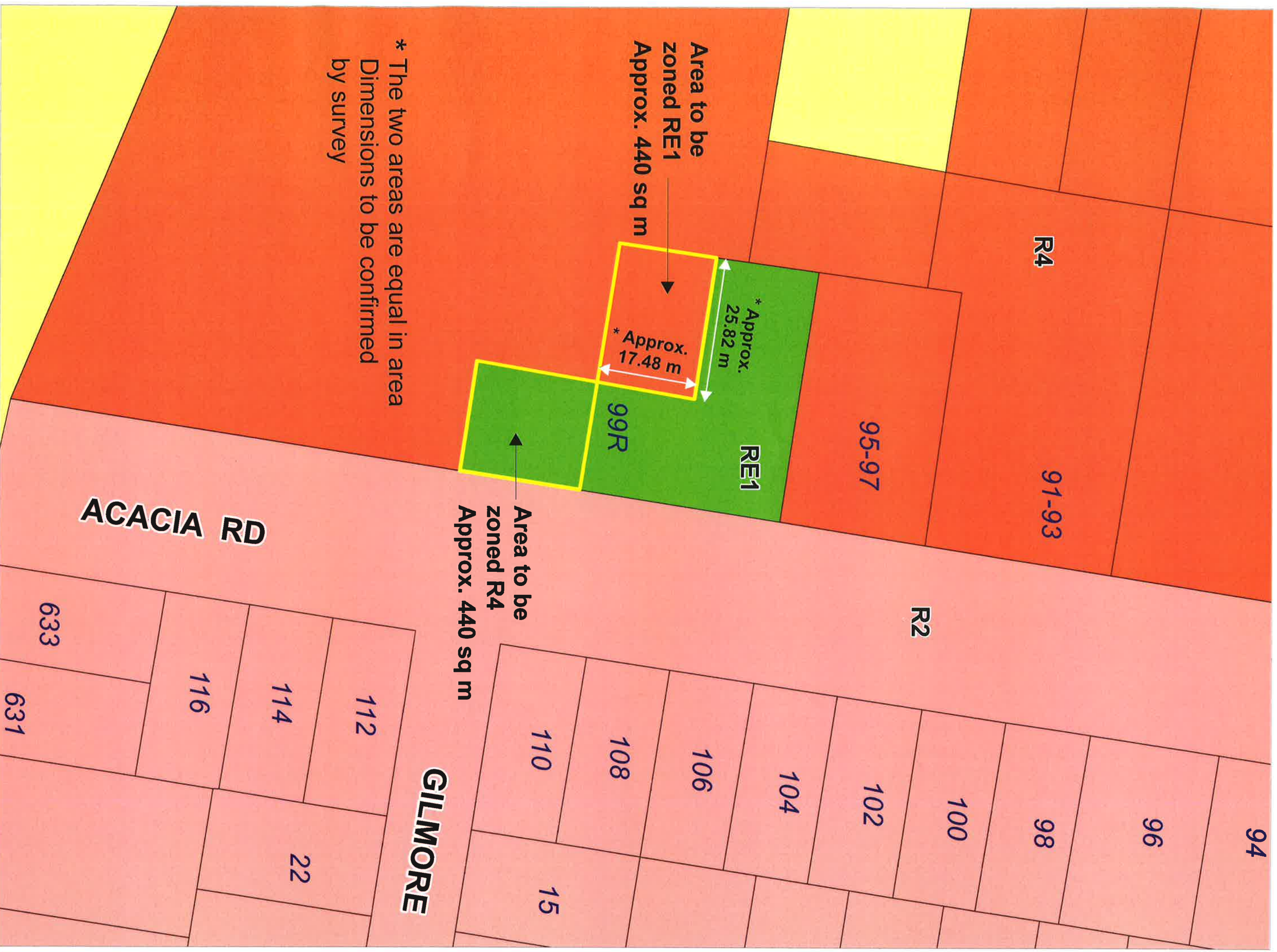
Appendix D - Location of Subject sites.pdf

APPENDIX E



Appendix E - Areas Proposed for Land Exchange.pdf





99R Acacia Road and 4 Auburn Street, SUTHERLAND







OPTION 1 GROUND FLOOR PLAN