

Contact: Harkirat Singh

Phone: 9330 6259

File Reference: D21/262509

5 November 2021

Ms Laura Locke
Director Eastern and South Districts
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Ms. Locke,

**Request for Gateway Determination – Planning Proposal – 53A-59A
Gloucester Road, Hurstville**

As a matter of background, the Planning Proposal (PP2017/0005) for 53A-59A Gloucester Road, Hurstville was lodged in November 2017 and considered by the Local Planning Panel (the LPP) on 6th May 2021. The LPP deferred the matter requesting additional information as detailed below:

The Panel notes:

1. *The proposal results in adhoc zoning outcomes in relation to the surrounding zones (R2, R3, B1 and SP2) and built form uniformity. In particular having regard to a maximum height of the proposal.*
2. *Ideally the consideration of the Planning Proposal and rezoning would apply to the block bounded by Ruby Street, Millet Street, Pearl Street and Gloucester Road Hurstville in relation to the strategic planning intentions for this part of the Local Government Area.*

The Panel defers the Planning Proposal subject to:

1. *Further consideration by the proponent of the Planning Proposal to assess and provide a further submission to the Panel that address the relationship of the future built form/development in regard to:*
 - a. *Distribution of heights and implications for adjoining sites and potential future developments.*
 - b. *Setbacks in relation to the adjoining sites and potential future developments.*
 - c. *The provisions of the Housing for Seniors or People with a Disability SEPP and the draft Housing Diversity SEPP.*

2. *The submission of a Draft Development Control Plan that articulates a, b and c above.*

The LPP on 5th August 2021 considered a further report on the Planning Proposal addressing the reasons for deferral on 6 May 2021 and recommended:

- a. *That the Georges River Local Planning Panel recommends that Council endorse the forwarding of Planning Proposal PP2017/0005 to the NSW Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Hurstville Local Environmental Plan (LEP) 2012 (or Georges River LEP 2020, if gazetted), to permit a residential care facility with a maximum floor space ratio (FSR) of 1.6:1 and a maximum height of building (HOB) ranging from 12m, 14m and 16.9m at 53A-59A Gloucester Road, Hurstville.*
- b. *That the Georges River LPP further recommends to Council that Council request as a condition of the Gateway Determination that the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only. Within this report consideration is to be given to:*
 - a. *The implications of the Draft Housing SEPP on the proposed planning proposal be reviewed specifically in respect of definitions, non refuse provisions and character tests.*
 - b. *That objectives be included to ensure that any plant to be located on the roof is included in the maximum permissible height limit and that this also be included in the site-specific Development Control Plan.*
- c. *Consideration is given to requirement of the Plan of Management, compliance with the Housing SEPP car parking requirements, and consideration of site fencing and increasing the setbacks on the north western boundary along Gloucester Road.*

The Planning Proposal was reported to Council's Environment and Planning Committee on 11 October 2021 and subsequently to Council at its meeting on 25 October 2021. Council resolved:

- (a) *That Council endorse the Planning Proposal (PP2017/0005) to amend Hurstville Local Environmental Plan 2012 (or if gazetted the Georges River Local Environmental Plan), in relation to 53A – 59A Gloucester Road, so as to permit a residential care facility with a maximum FSR of 1.6:1 and a maximum building height ranging from 12m, 14m and 16.9m at Nos. 53A-59A Gloucester Road, Hurstville.*
- (b) *That Council request as a condition of the Gateway Determination that:*
 - a. *the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only; and*

- b. a limit on the intensification of the new residential care facility is restricted to 110 beds, being bedroom space of 3,850sqm of a total development floorspace of 8,203sqm.*
- (c) That Council endorse the Planning Proposal to be forwarded to the Minister for Planning and Public Places for a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- (d) That the Planning Proposal be placed on public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning, Industry and Environment.*
- (e) That Council resolve to prepare an amendment to the Hurstville Development Control Plan No. 1 ("HDCP No.1"), or the Georges River DCP if effective, at the proponent's cost, to run concurrently with an amendment to the Hurstville LEP 2012 (or if gazetted the Georges River Local Environmental Plan), to reflect site specific provisions for any future development of the site.*
- (f) That the amendment to the relevant development control plan be placed on public exhibition in accordance with the Environmental Planning and Assessment Act and its Regulation.*

In accordance with Council's resolution, Council requests a Gateway Determination under Section 3.34 of *the Environmental Planning and Assessment Act 1979* (EP&A Act) and the opportunity to exercise its plan making delegation in relation to the Planning Proposal.

As discussed with officers of the Department of Planning, Industry and Environment (DPIE), the Planning Proposal should clearly address the intent of the amendment and the mechanism for the implementation of the FSR and range of heights - whether it requires a local provision or a Schedule 1 land use - will be the ambit of Parliamentary Counsel. The intent of the Planning Proposal is to only permit an increase in height and FSR for a residential care facility.

This is resonated in Council's resolution (b) above and reproduced below:

- (b) That Council request as a condition of the Gateway Determination that:*
 - a. the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only; and*
 - b. a limit on the intensification of the new residential care facility is restricted to 110 beds, being bedroom space of 3,850sqm of a total development floorspace of 8,203sqm.*

A Planning Proposal is enclosed together with the relevant attachments. The Planning Proposal has been prepared in accordance with Section 3.33 of the *EP&A*

Act, and the DPIE's guidelines titled, "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

The Planning Proposal includes the following:

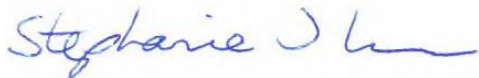
- Attachment 1 - Planning Proposal prepared by Mecone, September 2020
- Attachment 2 - Indicative Architectural Concept, prepared by O'Neill Architecture
- Attachment 3 - Site Survey, prepared by RPS
- Attachment 4 - Transport Impact Assessment, prepared by JMT Consulting
- Attachment 5 - Landscape Statement, prepared by Arcadia
- Attachment 6 - Letter dated 13th August 2021 from Mecone withdrawing planning agreement offer

In addition to the Planning Proposal (dated September 2020), please also find enclosed a copy of the following documentation:

- Local Planning Panel report and minutes – dated 6 May 2021
- Local Planning Panel report and minutes – dated 5 August 2021
- Environment and Planning Committee meeting report – dated 11 October 2021
- Council resolution (unconfirmed – Note: confirmed minutes will be forwarded to DPIE following Council's meeting in November 2021) – dated 25 October 2021
- Information Checklist for the Planning Proposal

Should you have any queries regarding this matter, please do not hesitate to contact Harkirat Singh on 9330 6259 or the undersigned on 9330 9437.

Yours sincerely



Stephanie Lum
Coordinator Strategic Planning

Attached:

- Planning Proposal for the 53A-59A Gloucester Road Hurstville and supporting documents
- Local Planning Panel report and minutes – dated 6 May 2021
- Local Planning Panel report and minutes – dated 5 August 2021
- Environment and Planning Committee meeting report – dated 11 October 2021
- Council resolution (unconfirmed – Note: confirmed minutes will be forwarded to DPIE following Council's meeting in November 2021) – dated 25 October 2021
- Information Checklist for the Planning Proposal