



IRF22/175

## Gateway determination report – PP-2021-6749

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53A – 59A Gloucester Road, Hurstville

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning proposal prepared by Mecone, September 2020
Indicative Architectural Concept, prepared by O'Neill Architecture, 22 September 2020
Site Survey, prepared by RPS, 2017
Transport Impact Assessment, prepared by JMT Consulting, 12 August 2020
Landscape Statement, prepared by Arcadia, 24 June 2020

## Relevant reports and plans

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Local Planning Panel report and minutes – 6 May 2021

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Local Planning Panel report and minutes – 5 August 2021

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Environment and Planning Committee Meeting report – 11 October 2021

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Council resolution - Extract of minutes from Ordinary Council Meeting on 25 October 2021

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Request for Gateway Determination – 5 November 2021

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# 1 Introduction

## 1.1 Overview

**Table 2 Planning proposal details**

LGA	LGA name
PPA	Georges River Council
NAME	Planning proposal to amend Georges River LEP 2021 affecting land at 53A-59A Gloucester Road, Hurstville
NUMBER	PP-2021-6749
LEP TO BE AMENDED	Georges River Local Environmental Plan 2021
ADDRESS	53A-59A Gloucester Road, Hurstville
DESCRIPTION	Lot 10 DP 1077198 and Lot Y DP 411930
RECEIVED	5/11/2021 (adequate 22/12/2021)
FILE NO.	IRF22/4175
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

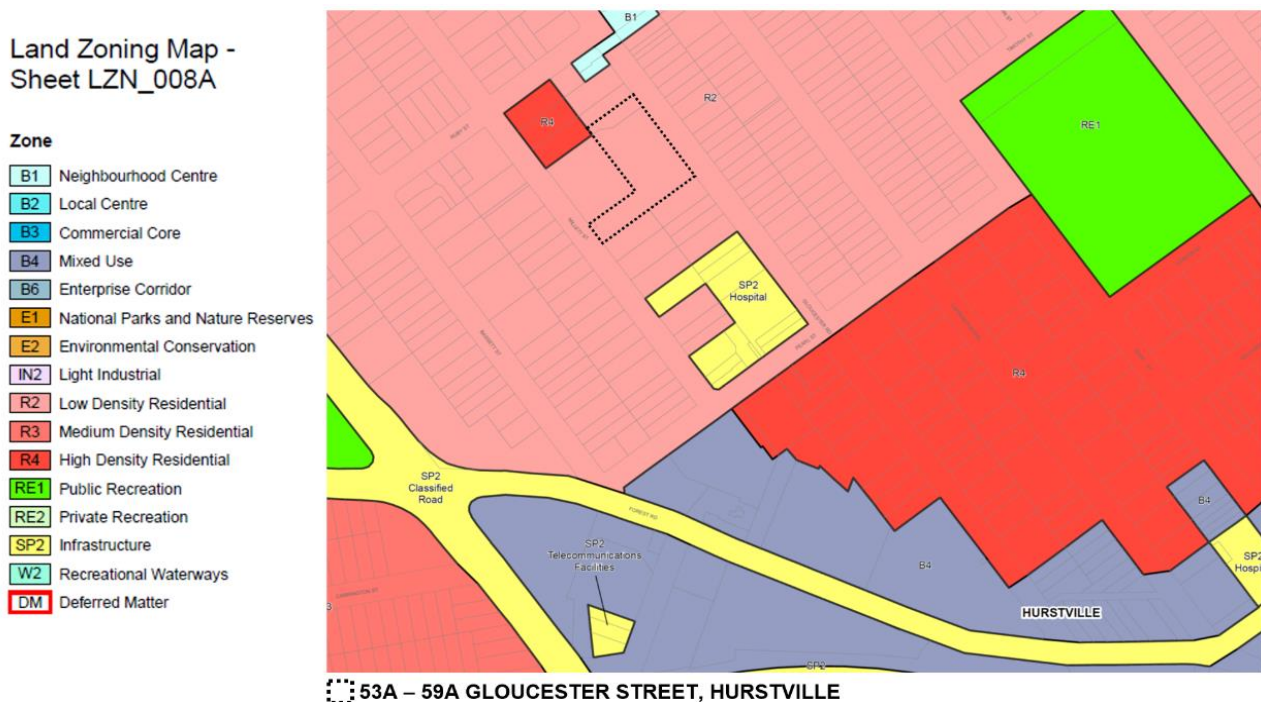
The planning proposal seeks to amend the former Hurstville LEP 2012 (now Georges River LEP 2021) to permit (with consent) a residential care facility with a maximum FSR of 1.6:1 and maximum permissible height ranging from 12m, 14m and 16.9m at 53A-59A Gloucester Road, Hurstville (p.10). The primary intent of this proposal is to enable the upgrade and expansion of an existing aged care facility.

## 1.2 Site description and surrounding area

### The site

The planning proposal applies to land at 53A-59A Gloucester Road, Hurstville (the site), which is comprised of two lots (Lot 10 DP1077198 and Lot Y/DP 411930). The site is an irregular “L” shape configuration with a total site area of approximately 5,267m<sup>2</sup>. The site is bounded by Gloucester Road and low density residential to the north and east; low density residential and Millett Street to the south; as well medium density residential to the west.

The site is zoned R2 Low Density Residential under the Georges River LEP 2021 and is currently occupied by a 96-bed aged care facility which provides ageing-in place, palliative care and respite services.



**Figure 1. Existing land use zoning**

(Source: Extract from Georges River LEP 2021, Zoning Map Sheet LZN\_008A)

The existing facility is owned and operated by Regis Aged Care and consists of a brick-clad building, which is orientated towards Gloucester Road to the east. The building is setback from the street and presents as a single storey however contains a second storey towards the rear of the site on Millett Street. The site also contains landscaping within the front, side and rear setbacks (refer to pp.13-16 of the proposal).

### The surrounding context

Land immediately surrounding the site is predominantly zoned R2 Low Density Residential under the Georges River LEP 2021, with the exception of three R4 High Density Residential zoned lots at the corner of Ruby St and Millett Street. The surrounding development is largely characterised by low density dwellings and medium density residential flat buildings.

The site is located in proximity to Hurstville Railway Station and is well serviced by public transport, including bus services which operate along Gloucester Road. The site is also located in proximity to a range of recreational and open space areas including Hurstville Oval, Timothy Reserve and Hurstville Park to the east, as well as Penshurst Park to the west.

### To the north

- A low density detached dwelling is located immediately north of the site. This development type is largely characteristic of the built form located further north of the site, along Gloucester Road.
- There are mixed-use developments located at the nearby intersection of Ruby Street and Gloucester Road.
- It is noted that Section 2.4 of the proposal incorrectly refers to the 'Shangri-La Nursing Home' as being positioned north west of the site. However, the 'Shangri-La Nursing Home' is located north east of the site on Carrington Avenue.

To the south

- Directly south of the site is a low density detached dwelling.
- Development further south along Millett Street is largely comprised of low-density residential uses and includes an early learning centre.
- South-east of the site is the Hurstville Private Hospital, a private health facility providing acute surgical, maternity and medical services. The hospital site accommodates buildings of varying scales ranging from one to five storeys.
- The site is also located in proximity to the Hurstville Strategic Centre, an important retail destination and commercial precinct, which includes the Hurstville Central Business District, Hurstville Westfield Shopping Centre and Hurstville train station. The Hurstville CBD supports high density residential flat buildings and commercial towers, with the station providing direct transport links to the Sydney CBD.

To the east

- The aged care facility fronts Gloucester Road to the immediate east, with a single storey detached dwelling located directly south-east of the site.
- Low density residential dwellings are located opposite the site and extend along Gloucester Road to the east.

To the west

- Immediately west of the site is a three-story residential complex that is orientated towards Millett Street.
- Land to the west of the site is predominantly zoned R2 Low Density Residential, with a small portion of R4 High Density Residential zoned land located immediately west of the site at the corner of Ruby Street and Millett Street.
- Development further westward along Millett Street is largely characterised by medium density residential flat buildings and low density detached dwellings.
- Table 2. Site Description' incorrectly refers to 'Hurstville Private Hospital' as being located west of the site. However, Hurstville Private Hospital is located to south-east of the site.

**Existing Planning Controls**

The planning proposal request includes a suite of information drafted by both the proponent and Council officers. Some information references superseded legislation, including the former Hurstville LEP 2012 which has been repealed by the introduction of the Georges River LEP 2021 that came into effect on 8 October 2021.

It is necessary to understand the differences between the existing planning controls that apply to the site under both the former Hurstville LEP 2012 and the current Georges River LEP 2021 as shown in Table 3.

**Table 3: Existing planning controls**

Development Standard	Former Hurstville LEP 2012	Georges River LEP 2021
Zoning	R2 Low Density Residential - Does not permit seniors housing	R2 Low Density Residential - Permits seniors housing
Height	9 metres	9 metres
FSR	0.6:1	0.55:1

As discussed in this report, Gateway conditions are recommended to require all supporting information to be updated to reference the current Georges River LEP 2021. Whilst this issue does not preclude the consideration of the strategic and site-specific merit of the subject Gateway request, it effects the intended mechanism for achieving the outcomes of the planning proposal described below.

### Recommended Gateway conditions

- Correct errors relating to description of the surrounding development and land uses including:
  - an error relating to location of the Shangri-La Nursing Home and Hurstville Private Hospital in relation to the subject site; and
  - an error in the Executive Summary which incorrectly states that ‘Areas of R3 Medium Density Residential are also located directly adjacent to the site to the south west’. The adjacent land south west of the site is zoned R2 Low Density Residential under the Georges River LEP 2021, with three lots located directly west of the site zoned R4 High Density Residential (Refer to land zoning map Sheet LZN\_008A).
- Update references to the former Hurstville LEP 2012 to address the Georges River LEP 2021.

## 2 Proposal

### 2.1 Objectives of planning proposal

The objectives and intended outcomes of the proposal are outlined as follows:

- *To redevelop the site for a high-quality aged care facility that provides state-of-the-art facilities that align with contemporary standards;*
- *To continue the site’s historical legacy as an aged care facility and capitalise on the opportunity to replace the outdated building stock contained within the site;*
- *To minimise the perceived massing of the development by strategically distributing the mass across the site and adopting a mix of building heights;*
- *To limit overshadowing impacts to adjoining properties by concentrating the greatest bulk away from the street frontages;*
- *To provide a distribution of uses across the site that mitigate possible visual privacy impacts;*
- *To deliver centrally located and easily accessible communal areas that are internally orientated to protect occupant’s privacy and enhance useability;*
- *To accommodate sensitive habitable space areas in appropriate locations that promote amenity and prevent onlooking to surrounding developments;*
- *Provide a range of pedestrian connections that facilitate connectivity across the site and its internal communal areas;*
- *To facilitate a development outcome with areas sufficient to support comprehensive landscaping and tree planting;*
- *To contribute towards the achievement of Council’s strategic planning objectives and to deliver on the directions supported by the regional strategic planning framework;*
- *Address the growing demand for high quality seniors housing operated by a reputable aged care provider; and*
- *Provide for an increased number of employment opportunities that will contribute to meeting the LGA’s jobs targets.*

The planning proposal contains objectives that clearly and adequately explain the intended outcomes of the proposal (p.33).



It is noted that the planning proposal (referencing the former Hurstville LEP 2012) states that it seeks to introduce 'residential care facility' as an additional permitted use at 53A-59A Gloucester Road, Hurstville (page 33) under this section. As discussed, under the Georges River LEP 2021, a 'residential care facility' is now permissible at the site under R2 Low Density Residential zoning. Therefore, a Gateway condition is recommended to address this discrepancy.

## 2.2 Explanation of provisions

The planning proposal seeks to amend the former Hurstville LEP 2012 (the now Georges River LEP 2021) as outlined in **Table 3** below.

The planning proposal intends to retain the existing R2 Low Density Residential zoning, floor space ratio and height of building maps but permit (with consent) at the site, a 'residential care facility' with a FSR of 1.6:1 and a range of building heights including 12m, 14m and 16.9m.

The planning proposal considers that the mechanism for implementation to achieve the intended outcome (i.e. via a local provision or Schedule 1 Additional Permitted Use), will be a matter for consideration by Parliamentary Counsel should the proposal progress to finalisation (refer to p.3 of Council's request for Gateway Determination).

Whilst the final LEP mechanism will be subject to future drafting of the LEP, the Department considers the Explanation of Provisions should be updated to outline the preferred mechanism. It is noted that the use of an Additional Permitted Use would not be relevant under the Georges River LEP 2021 which already permits 'residential care facility' under the current zoning.

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	R2 Low Density Residential	R2 Low Density Residential
Maximum height of the building	9m	Part 12m, 14m and 16m**
Floor space ratio	0.55:1	1.6:1**
Minimum lot size	450 sqm	450 sqm

(**Note:** \*\* Proposed controls to apply only for the purposes of developing a residential care facility on the subject site).

It is noted that Section 4.1.3 'Floor Space Ratio' of the proposal makes reference to the existing FSR of the site being 0.6:1 under the Hurstville LEP 2012 (which has since been repealed and superseded by the Georges River LEP 2021). Under the Georges River LEP 2021 (GRLEP 2021), a FSR of 0.55:1 applies to the site, with exceptions to the FSR applicable for certain residential accommodation (i.e. dwelling houses) on the site under the provisions of cl.4.4A.

As such, the planning proposal requires updating to correctly reflect:

- the current Georges River LEP 2021 and permissibility for a 'residential care facility'; and
- the current FSR controls for the site under the Georges River LEP 2021.

### Intended land use outcomes

The planning proposal intends to facilitate the development of the site for a residential care facility including:

- Construction of a part 3 and part 4 storey building comprising:
  - 94 residential care beds;

- 16 dementia beds;
  - Communal facilities;
  - Staff amenities;
  - Ancillary uses including a cafe, hairdresser, day spa and function rooms.
- Construction of a basement with 41 vehicular spaces, comprising:
  - 20 staff spaces;
  - 11 residential spaces;
  - 10 additional spaces; and
- Outdoor communal areas and landscaping (refer to p.26 of the proposal).



**Figure 2: Photomontage of concept design fronting Gloucester Road**

(Source: Extract from Concept Design prepared by O'Neill Architecture)



**Figure 3: Photomontage of concept design fronting Millett Street**

(Source: Extract from Concept Design prepared by O'Neill Architecture)

### Development Control Plan

The assessment report prepared by Council staff for consideration at the Environment and Planning Committee meeting on 11 October 2021, makes reference to a draft amendment to the Georges River Development Control Plan that has been prepared in support of the proposal.

The report states that a draft amendment to the Georges River Development Control Plan has been prepared *“which prescribes the specific design controls and urban design principles that shall govern the future development of the site...[and] will ensure that any future development of the site would not result in any unreasonable environmental or amenity impacts on surrounding properties”* (refer to p.29 of Council’s Environment & Planning Committee Meeting report, 11 October 2021).

On 28 January 2022, the draft DCP was provided to the Department and it was confirmed by Council that it will be placed on exhibition with the planning proposal if a Gateway approval is issued.

### **Recommended Gateway conditions:**

- Update the planning proposal to:
  - provide a clear preferred mechanism to achieve the intended outcome of the planning proposal; and
  - correctly address the Georges River LEP 2021 and applicable land use permissibility and existing Height and FSR controls that apply to the site.

## **2.3 Mapping**

It is noted that the planning proposal includes a maximum building height map showing the indicative height controls proposed for a residential care facility on the site, as outlined in Figure 4 below (refer to p.8 of the planning proposal). It is understood this mapping, illustrating the proposed range of heights at the site, is for information purposes at this stage as the intended mechanism for achieving the intent of the planning proposal is unresolved.



The Gateway determination includes the following requirements for updates to the planning proposal:

- sufficient mapping information accompany the planning proposal to enable the community to understand the intended outcomes; and
- any intended LEP mapping amendments to be specified.



**Figure 4. Proposed range of heights at 53A-59A Gloucester Road, Hurstville**

(Source: Extract from planning proposal, p.8)

*\*Note: As outlined in Council's report to the Environment and Planning Committee Monday, 11 October 2021, the image has been included for reference purposes only.*

## 2.4 Background and Planning Proposal History

The following provides a summary of the key events relating to the proposal:

- On **17 November 2017** RPS Group submitted a planning proposal request to Council on behalf of the proponent (Regis Aged Care) regarding land at 53A – 59A Gloucester Road, Hurstville. Council has advised that the proposal has been modified on multiple occasions since lodgement. The amended Architectural Concept Scheme was also peer reviewed by Architectus on behalf of Council in December 2019 and April 2020.
- In **April 2021** Mecone (consultant that replaced RPS Group) submitted a proposal to Council seeking to permit a residential care facility on the subject site with a FSR of 1.6:1 and a maximum building height ranging from 12m, 14m and 16.9m. This proposal was subsequently referred to the Georges River Local Planning Panel on 6 May 2021.
- The proposal was considered by the Local Planning Panel at a meeting on **6 May 2021**. At this meeting the Panel noted that:
  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.*

At this meeting a resolution was passed that:

*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 provision 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.*
- **On 5 August 2021** the LPP considered a report on the proposal which addressed the outstanding matters raised on 6 May 2021. The LPP recommended Council forward the proposal to the Department for Gateway Determination with a request that, as a condition of the Gateway Determination, *‘the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only’*.
  - The 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.
  - At the **Ordinary Council meeting on 25 October 2021** a resolution was passed:
    - (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.*

- The planning proposal was received by the Department on **5 November 2021** for Gateway Determination.
- On **16 and 30 November 2021** the Department sought additional information from Council to allow the assessment of the proposal to progress. The information requested pertained to the relationship of the proposal with the provisions of the new Housing SEPP (which repealed the Seniors Housing SEPP); Georges River Housing Strategy; and hierarchy of residential zones implemented under the Georges River LEP 2021.
- On **8 December 2021** Council submitted the supplementary information to the Department in support of the proposal, which included confirmation that Council intend to *“utilise the proposed provisions under the GRLEP 2021 for a ‘residential care facility’ with the increased height and FSR, rather than the provisions of the Housing SEPP”*.
- The proposal was considered adequate to proceed to assessment on **22 December 2021**.

### 3 Need for the planning proposal

The planning proposal is not the result of any specific strategy, study or report. Rather, it states that it has been initiated by the proponent on the basis of the *“need to revitalise the existing building stock contained within the site to deliver a high-quality residential care aged care facility that meets contemporary standards”* (p.36).

Council’s report to Environment and Planning Committee Meeting on 11 October 2021 states that:

*“Seniors housing is not listed as permissible use with consent in the R2 Low Density Residential Zone. However, under Clause 15 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) seniors housing is permitted “development on land zoned primarily for urban purposes for the purpose of any form of seniors housing...Despite Clause 15 of the Seniors SEPP the proponent cannot rely on the permissibility afforded by the Seniors SEPP alone as the proposal seeks a greater maximum building height (the proposed heights range from 12m, 14m and 16.9m) than what is permitted on the site under Hurstville LEP 2012 (being 9m) and under the Seniors SEPP (being 8m under Clause 40 of the Seniors SEPP)”* (p.24).

Under the newly gazetted Georges River LEP 2021, ‘seniors housing’ (which includes ‘residential care facilities’) is permitted with consent in the R2 Low Density Residential Zone, although a maximum height limit of 9m and FSR of 0.55:1 currently applies to the site.

It is also noted that Part 5 (Housing for seniors and people with a disability) Division 3 of the newly gazetted Housing SEPP (which repealed the Seniors SEPP) specifies minimum development standards for seniors housing in R2 Low Density Residential zones that are to be met. This includes a requirement which restricts the height of a development (to 9.5 metres or more than 2 storeys if the building is adjacent to the boundary of the site area) where the applicable zoning does not permit ‘residential flat buildings’, as is the case for R2 zones under the Georges River LEP 2021.

Notwithstanding the above, clause 86(2) of the Housing SEPP 2021 allows for a consent authority to grant development consent for seniors housing on land where this use is permitted under another environmental planning instrument.

The supplementary information submitted in December 2021 clarified Councils intention *“to utilise the proposed provisions under the GRLEP 2021 for a ‘residential care facility’ with the increased height and FSR, rather than the provisions of the Housing SEPP”*.

## 4 Strategic assessment

### 4.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

The Greater Sydney Region Plan states that:

*“Planning for the next 20 years involves providing services and infrastructure locally to meet the needs of the growing population and the changes to demographics. This includes health and education services and facilities, as well as accessible neighbourhoods and homes, for an increasing proportion of people of 65 years of age” (p.47).*

The Plan also recognises the need for *“tailored services and infrastructure...for people to age within their communities” (p.52).*

The proposal seeks to maximise opportunities for seniors housing and related land uses on the site, with urban design principles and a supporting draft DCP to help to ensure the future built form is suitably scaled so as to mitigate any potential impacts to the surrounding development (refer to p.37 of the proposal).

The planning proposal is considered to provide strategic alignment with the *Greater Sydney Region Plan: A Metropolis of Three Cities* as it supports the supply and diversity of housing and will provide opportunities for people to age in their communities and remain within close proximity to their families and existing social networks. The proposal will also assist in facilitating job creation through the redevelopment and future use of the site.

Table 4 provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
<i>Objective 6: Services and Infrastructure meet communities' changing needs</i>	<p>This objective recognises the need for services and infrastructure to be tailored to meet the varying needs of population groups, including older people within communities to facilitate ageing in place. Strategy 6.1 of the Plan seeks to ‘Deliver social infrastructure that reflects the needs of the community now and in the future’ (p.54).</p> <p>The planning proposal is consistent with this objective as it seeks to facilitate the delivery of a ‘residential care facility’ within the subject site, to accommodate the future needs of a growing and ageing population.</p>
<i>Objective 10: Greater Housing Supply</i>	<p>This objective focuses on providing more housing in the right locations, supported by the requisite infrastructure and services.</p> <p>The proposal is consistent with this objective as seeks to facilitate the development of a 110-bed residential care facility on a site which is well located in close proximity to established health care and transport services, parks and open space areas. The site is also located in an area where the demand for aged care facilities is projected to increase significantly over the coming years.</p>



*Objective 11:  
Housing is more  
diverse and  
affordable*

This objective recognises the importance of providing a diversity of housing across Greater Sydney. The Plan states that “*Communities require housing that meets changing demographic needs over time and that provides stability*” (p.68).

The proposal is consistent with this objective as it seeks to facilitate the delivery of a residential care facility, which will accommodate the housing needs of an ageing population and contribute to the diversity of housing in the area.

## 4.2 District Plan

The site is located within the Georges River Local Government Area, which is situated in the South District. The South District Plan, released by the Greater Sydney Commission in March 2018, sets out the planning priorities and actions for implementing the Greater Sydney Region Plan at the district level. The plan seeks to guide the growth of the District while improving its social, economic and environmental assets.

Council identifies the proposal to be consistent with the South District Plan (refer to p.22 of report to Council’s Environmental Planning Committee Meeting on 11 October 2021).

The Department is satisfied the planning proposal gives effect to the South District Plan, in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. Table 5 includes an assessment of the planning proposal against relevant directions and actions of the South District Plan.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority S3: Providing services and social infrastructure to meet people’s changing needs	<p>This planning priority recognises the need for “<i>Coordinated additional health, social and aged care services and collaborative responses across government and industry are needed to meet the expected increase in demand for local aged care facilities and respite services</i>” (p.28).</p> <p>This planning priority includes a supporting action (Action 8) which seeks to: “<i>Deliver social infrastructure that reflects the needs of the community now and in the future</i>” (p.29).</p> <p>This proposal is consistent with this priority as it seeks to facilitate the delivery of a residential care facility in proximity to essential services, to accommodate the current and projected needs of the growing and ageing population in the South District. This will assist in improving peoples’ well-being by providing opportunities for older people to continue to live in their community, in proximity to their family and established social networks.</p>



District Plan Priorities	Justification
<p>Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>This planning priority recognises the importance of facilitating the development of healthy, resilient and socially connected communities. The supporting Action 10. seeks to:</p> <p><i>“Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities by:</i></p> <ul style="list-style-type: none"> <li><i>a. providing walkable places at a human scale with active street life</i></li> <li><i>b. prioritising opportunities for people to walk, cycle and use public transport</i></li> <li><i>c. <b>co-locating schools, health, aged care, sporting, and cultural facilities</b></i></li> <li><i>d. promoting local access to healthy fresh food and supporting local fresh food production” (p.35).</i></li> </ul> <p>The planning proposal is consistent with this planning priority. The proposal seeks to facilitate the development of a residential care facility on a site which is located in close proximity to an existing aged care facility and health care services, including the Shangri-La Nursing Home’ (to the north-east) and Hurstville Private Hospital (to the south-east).</p>
<p>Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.</p>	<p>This planning priority highlights that <i>“Planning for housing needs to consider the type of dwellings required to respond to expected changes in household and age structures” (p.37)</i></p> <p>The planning proposal is consistent with this priority. The proposal seeks to provide housing supply and choice on a site that is well located in proximity to existing health care services and public transport. This will assist in responding to the growing needs of the South District by facilitating the delivery of an improved residential care facility in a District where the numbers of persons aged 85+ is projected to almost double by the year 2036 (refer to p.9 of the South District Plan).</p>
<p>Planning Priority S6: Creating and renewing great places and local centres, and respecting the District’s heritage</p>	<p>This planning priority recognises the importance of creating and renewing great places.</p> <p>The planning proposal is consistent with this priority. The proposal seeks to facilitate the delivery of a new and improved residential care facility on the site.</p>
<p>Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres</p>	<p>This planning priority is focused on providing access to jobs, goods and services in centres, and highlights employment growth as the principle underlying economic goal for metropolitan and strategic centres.</p> <p>The planning proposal is broadly consistent with this planning priority. The proposal seeks to facilitate the creation of jobs and investment in health services, on a site which is located in proximity to the Hurstville Strategic Centre (p.39).</p>
<p>Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>This planning priority is focused on integrating land use and transport planning to deliver on the long-term vision for a 30-minute city.</p> <p>The planning proposal is consistent with this planning priority. The proposal seeks to facilitate the delivery of health care services and housing on a site that is located in proximity to existing transport services.</p>

Planning Priority  
S17: Reducing  
carbon emissions  
and managing  
energy, water and  
waste efficiently

This planning priority recognises the importance of improving energy, water and waste efficiency to deliver sustainable outcomes.

The planning proposal is broadly consistent with this planning priority. The proposal acknowledges that the future development of the site *“has the potential to adopt best practice sustainability measures”* (p.39).

## 4.3 Local

The proposal states that it is consistent with the relevant local plans and endorsed strategies. An assessment of the consistency of the proposal with the local plans is included in Table 6 below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Georges River Local Strategic Planning Statement	<p>The planning proposal is broadly consistent with the vision and planning priorities of the Georges River Local Strategic Planning Statement 2040. In particular:</p> <ul style="list-style-type: none"> <li>• <b>P4</b> Collaboration supports innovation and delivers infrastructure, services and facilities</li> <li>• <b>P7</b> Residential suburbs will be protected and retained unless identified as areas of change or investigation.</li> <li>• <b>P8</b> Place-based development, quality building design and public art deliver liveable places.</li> <li>• <b>P10</b> Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces.</li> <li>• <b>P12</b> Land is appropriately zoned for ongoing employment growth.</li> <li>• <b>P13</b> Planning, Collaboration and Investment delivers employment growth and attractive, lively, accessible and productive centres (refer to pp.40-41 of the proposal)</li> </ul> <p>The proposed amendments to the Georges River LEP 2021 seek to:</p> <ul style="list-style-type: none"> <li>- deliver social infrastructure and ancillary services on the site, to accommodate the needs of a growing and ageing population;</li> <li>- retain the existing R2 Low Density Residential zoning and use of the site for a residential care facility; and</li> <li>- ensure the future development of the site “is suitably scaled”, with landscaped areas to be included to “positively contribute to the streetscape” (p.41)</li> </ul>

Georges River Local Housing Strategy (August 2020)	<p>The planning proposal does not include commentary on the consistency of the proposal with the Georges River Local Housing Strategy 2020 (LHS). Notwithstanding this, the planning proposal is considered broadly consistent with the objectives of the LHS.</p> <p>The planning proposal seeks to facilitate the development of a residential care facility on a site that is well located and supported by existing infrastructure and services. This proposal will contribute to the supply and diversity of housing in the LGA, by provide housing that is suitable for older members of the community.</p> <p>It is noted however noted that <b>Objective 5. (Have consistent LEP zoning and controls across the LGA)</b> of the Strategy, seeks to implement a residential zone hierarchy to restrict low, medium and high-density development to their respective zones. This hierarchy is intended to align development typologies with the proposed objectives of the residential zones in the Georges River LEP 2021.</p> <p>The Department sought further clarification from Council on the relationship of the proposal with the intended approach to the hierarchy of residential zones implemented by the Georges River LEP 2021. On 8 December 2021, Council advised that:</p> <p><i>“The planning proposal has been subject to a rigorous urban design testing and analysis, including a peer review from Architectus, which concluded that notwithstanding the building typologies existing or envisaged for the R2 Low Density Residential zone surrounding the site, the proposed building heights would be appropriate for the site.</i></p> <p><i>Furthermore, it has been deemed appropriate to retain the R2 zoning as the proposed increased building height and FSR would only be permitted through either a mechanism like the Additional Permitted Use (Schedule 1) provisions or a local provision under the Georges River LEP 2021 (as determined by the Parliamentary Counsel) and linked to a Residential Care Facility only. The rezoning of the site to R3 or R4 is not supported as it would result in a much broader change to permissible uses and development controls including FSR and heights that have not been tested for and have not been considered as part of the planning proposal”.</i></p> <p>The Department is satisfied that Council has provided sufficient justification to address this issue for Gateway. A Gateway condition is recommended to require the planning proposal be updated to clearly address the LHS for community consultation.</p>
Georges River Community Strategic Plan 2018-2028	<p>The planning proposal identifies consistency with goals of the Georges River Community Strategic Plan (CSP), in particular:</p> <ul style="list-style-type: none"> <li>• Pillar 1 – A Protected Environment and Green Open Spaces</li> <li>• Pillar 2 – Quality, Well Planned Development</li> <li>• Pillar 3 – Active and Accessible Places and Spaces</li> <li>• Pillar 4 – A Diverse and Productive Economy</li> </ul> <p>The planning proposal is broadly consistent with the CSP as it does not intend to generate unacceptable environmental or traffic impacts and seeks to facilitate job creation and provide much needed social infrastructure for a growing and ageing population (p.42).</p>

## 4.4 Section 9.1 Ministerial Directions

Table 10 of the planning proposal addresses compliance with the relevant Ministerial Directions (pp.52-55).

The planning proposal's consistency with the relevant section 9.1 Directions is discussed in Table 7 below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 2.1 Environment Protection Zones	Yes	The proposal does not seek to alter the existing environmental protection standards that apply to the subject site.
Direction 2.3 Heritage Conservation	Yes	<p>The subject site does not contain a heritage item, nor is it located within a heritage conservation area.</p> <p>The proposal seeks to ensure that the future development of the site is suitably scaled and will have no impact upon heritage items located within the vicinity of the site (including the local heritage items located on Millett Street). Further matters associated with heritage impacts can be addressed as part of any future development assessment.</p>
Direction 2.6 Remediation of Contaminated Land	Yes	<p>This Direction aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>As the Georges River LEP 2021 currently already permits seniors housing, the planning proposal does not require change in permissible land use. As such, any further consideration of contamination can be considered as part of a future development assessment.</p>
Direction 3.1 Residential Zones	Yes	The proposal adequately responds to the requirements of the Direction as it provides for increased supply and diversity of housing to accommodate the needs of a growing and ageing population.

Direction 3.4 Integrating Land Use and Transport	Yes	<p>The proposal is consistent with this Direction as it seeks to facilitate the development of a residential care facility on a site that is well located, in proximity to existing transport infrastructure and services.</p> <p>As outlined in the supporting Traffic Impact Assessment (August 2020) prepared by JMT Consulting, the potential level of traffic generation associated with the proposal is considered “<i>negligible in the context of the surrounding road network and would have no impact on the current road network performance</i>” (p.11).</p> <p>A Gateway condition is recommended to require consultation with TfNSW to consider any traffic and transport matters.</p>
Direction 6.3 Site Specific Provisions	Yes	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal states that <i>the proposed provisions seek to provide a specific incentive only for ‘residential care facility’, not other permissible uses</i>. As such, the planning proposal does not seek to introduce further restrictions than currently exist to the site.</p> <p>The Department is satisfied that the intent of the planning proposal to encourage additional height and FSR standards for a ‘residential care facility’ is consistent with the requirement of this Direction. It will not restrict any existing permissible land uses or development standards that currently exist.</p>

## 4.5 State environmental planning policies (SEPPs)

Table 9 of the proposal indicates compliance with the relevant State Environmental Planning Policies (pp.49-51).

The planning proposal is considered to be consistent with all relevant SEPP’s, as outlined in Table 8.

Table 8 State Environmental Planning Policy assessment

SEPPs	Requirement	Proposal
SEPP (Housing) 2021	On 26 November 2021 the new State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was finalised and released. The new Housing SEPP superseded five existing housing-related policies.	<p>As previously discussed in Section 3 of this report, clause 86(2) of the Housing SEPP allows for a consent authority to grant development consent for seniors housing on land where this use is permitted under another environmental planning instrument.</p> <p>Additional information was received from Council that has clarified that the provisions of the Housing SEPP are not sought to be utilised for future development. Rather, the proposed additional height and FSR under this planning proposal is intended to be utilised with no reliance on the Housing SEPP.</p> <p>A Gateway condition is recommended to require the planning proposal to be updated to clearly address the relationship of the planning proposal to the new Housing SEPP.</p>
SEPP (Infrastructure) 2007	The SEPP aims to facilitate the effective delivery of infrastructure across the state.	The planning proposal outlines that the planning proposal will not alter the application of this SEPP. It states that the requirements will be addressed as part of any future detailed development application.
SEPP No 65 – Design Quality of Residential Apartment Buildings	This SEPP aims to improve the design quality of residential apartment development in NSW	<p>Council has provided additional information to clarify that “<i>while not strictly applicable to the proposed development, due to the nature and scale of the desired development outcome for the site, the ADG (Apartment Design Guide) and SEPP 65 design principles have been used as a guide in determining appropriate setbacks and building separations</i>”.</p> <p>Council also states that “<i>building separation would be governed by the site-specific DCP setback controls which have been informed by the ADG building separation and privacy design criteria</i>”.</p> <p>The Department notes that Council considers that it does not consider the SEPP is strictly applicable to future development. Ultimately, Council as the local planning authority will be responsible for determining any consideration of the SEPP as part of a future development assessment. The Department is satisfied that sufficient regard has been provided to amenity and design criteria and that further detailed testing and analysis can be undertaken as part of future development assessment.</p>

**Recommended Gateway condition:**

- The planning proposal is to be updated prior to community consultation to remove reference to the repealed housing related SEPPs and include an assessment against the Housing SEPP 2021.

## 5 Site-specific assessment

The potential environmental, social and economic impacts have been addressed in Section 7.1.2 and Section 11 of the planning proposal.

### 5.1 Environmental

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

**Table 9 Environmental impact assessment**

Environmental Impact	Assessment
Biodiversity	<p>The subject site is located within an established urban area and is not known to contain any critical habitat or threatened species, populations or ecological communities.</p> <p>As such, the proposal is not considered to pose any risk to the existing biodiversity.</p>
Built Form, and Density	<p>Under the Georges River LEP 2021, a maximum height of building limit of 9m currently applies to the site. The proposal is seeking to increase the maximum permissible FSR and building height for a residential care facility with a FSR of 1.6:1 and range of building heights including 12m, 14m and 16.9m on the site.</p> <p>While the existing development immediately surrounding the site is predominantly characterised by low to medium density residential uses, Hurstville private Hospital is located in close proximity to the site. The hospital accommodates buildings of varying scales ranging from one to five storeys.</p> <p>The proposed increase in density and height for this purpose would facilitate a part 3 and part 4 storey building. It is noted that the indicative massing strategy seeks to concentrate the bulk of the site within the centre and reduce the scale of development towards the site boundaries. This concept design presents a mix of building heights and articulation to reduce perceived bulk and scale impacts to surrounding properties.</p> <p>The Department is satisfied that subject to further refinement of design and interface matters, the site has the capability to accommodate additional height and density in keeping with the proposal. The supporting draft DCP is capable of providing an appropriate planning framework to guide the quality of the future built form and its relationship and transition to surrounding properties.</p>
Overshadowing	<p>The accompanying concept design is supported by overshadowing diagrams to demonstrate the impacts of the additional height and density. This seeks to demonstrate that adequate levels of solar access will be retained to adjoining properties aided by appropriate built form massing and setbacks.</p> <p>A Gateway condition is recommended to require the overshadowing diagrams to be updated for community consultation to clearly show the difference between the existing and intended overshadowing outcomes.</p>



## Traffic and Parking

Vehicle access and parking

The planning proposal is supported by a Traffic Impact Assessment prepared by JMT Consulting in August 2020. It clarifies that the concept design intends to retain and enhance the existing vehicle access and parking outcome for the site including:

- a porte-cochere provided to the site fronting Gloucester Road to facilitate drop off and pick up movements; and
- access to the basement parking area, as well as for building servicing and waste collection from Millett Street.

Traffic generation

The Traffic Impact Assessment acknowledges that the planning proposal may generate a *“minor increase of vehicle trips during the peak hour of the day and 28 vehicle trips over the course of a typical day”* (p.10). Council advises that the level of traffic generation will be negligible in the context of the local street network and that augmentation to the capacity of the local road network is not warranted.

The Department is satisfied that the intended development outcome is capable of achieving an acceptable traffic and parking outcome subject to detailed design matters in the future. A Gateway condition is recommended requiring consultation with Transport for NSW (TfNSW) as part of this planning proposal to allow an opportunity for any comments to be made.

## 5.2 Social and economic

The proposal has the potential to generate a variety of positive social and economic benefits for the local area and District. These include:

- accommodating the needs of a growing and ageing population by facilitating the delivery of a new residential care facility on the site;
- contributing to the supply and diversity of housing on a site that is well located, in proximity to existing infrastructure, services, transport, open space and recreational area's; and
- generating increased employment opportunities through the construction and future operational use of the site as a residential care facility, in proximity to the Hurstville Strategic Centre.

## 5.3 Infrastructure

The site is well located in terms of public transport and is located in an established urban area with good access to other physical and social infrastructure.

The supporting Traffic Impact Assessment notes that the intended reconfiguration of the porte-cochere access will require the relocation of the existing bus stop on the southern kerb of Gloucester Road adjacent to the site. It is intended that this existing bus stop will be relocated further west and that discussions will be held with TfNSW in this regard. As discussed, a Gateway condition is recommended to require consultation to occur as part of this planning proposal.



## 6 Consultation

### 6.1 Community

As outlined in the report Council's Environmental Planning Committee meeting on 11 October, Council anticipates a public exhibition period of 28 days, with the public notification of exhibition to include a notice in the local newspaper ; a notice on council's website; notice in council offices and libraries; letters to agencies identified in the Gateway determination (if required) and letters to adjoining landowners (pp.42-43).

The Department considers the proposal as 'standard' under the new Planning Proposal categories identified in the *Local Environmental Plan Making Guideline* released by the Department in December 2021.

The Department recommends a community consultation period of a maximum of 20 days, with the public notification arrangements to accord with the requirements of the new Guideline.

### 6.2 Agencies

Council has not identified specific agencies to be consulted. Having regard to the intent and scope of the planning proposal, it is recommended the following agencies be consulted and given 30 days to comment:

- Transport for NSW

## 7 Timeframe

Council has proposed an 8-month time frame to complete the LEP from receipt of a Gateway determination (refer to p.43 of the report to Council's E&PC Meeting on 11 October 2021).

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reducing processing times. A condition to the above effect is recommended in the Gateway determination.

## 8 Local plan-making authority

Council has requested to be the local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979* (refer to Council's letter to the Department dated 5 November 2021).

It is recommended that Council be authorised to be the local plan-making authority for this proposal as the matter is considered of local significance.

It is noted that Council requested that the Gateway include a condition to limit the intensification of the future residential care facility at the site to a maximum of 110 beds. The Department considers this a development assessment matter that cannot be mandated in an LEP amendment. Should Council consider this requirement, this should be addressed as part of any future development assessment or in any accompanying development control plan.

## 9 Assessment summary

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

- The planning proposal is consistent with the relevant provisions of the Greater Sydney Region Plan, South District Plan, applicable State Environmental Planning Policies, section 9.1 Ministerial Directions, and local strategic plans.

- The proposal will assist in facilitating the supply and diversity of housing to accommodate the needs of an ageing population, providing opportunities for people to age-in-place, on a site that is well located in proximity to the established infrastructure, health care, transport services, open space and recreational areas.
- The proposal will assist in facilitating investment in health services and the creation of jobs through the redevelopment and future use of the site, which is located in proximity to the Hurstville Strategic Centre.

## 10 Recommendation

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

1. Prior to community consultation, the planning proposal is to be updated to:
  - ensure the planning proposal addresses the current Georges River LEP 2021 including existing development standards and land use permissibility;
  - correct discrepancies relating to the description of surrounding development and land uses;
  - update the Explanation of Provisions to provide a clear preferred mechanism to achieve the intended outcomes of the planning proposal;
  - provide sufficient mapping to inform community consultation and clarify whether any LEP mapping is intended to be amended;
  - address the Georges River Local Housing Strategy 2020;
  - address the SEPP (Housing) 2021 and its relationship to the intended outcomes of the planning proposal;
  - remove references to repealed SEPP's and correctly address all existing applicable SEPP's;
  - update the supporting overshadowing diagrams to clearly outline the difference between the existing and intended overshadowing outcome of the planning proposal.
2. The planning proposal should be made available for community consultation for a minimum of 20 days.
3. Consultation is required with the following public authorities:
  - Transport for NSW (TfNSW)
4. The planning proposal must be placed on exhibition not more than 3 months from the date of Gateway determination.
5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



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