



EF21/16522

Gateway determination report – PP-2021-6934

143-149 Boundary Road & 689-691 Forest Road,
Peakhurst

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A: Planning Proposal
Attachment B: Georges River Council Meeting Minutes 25 October 2021
Attachment C: Georges River Local Planning Panel Report and Minutes 3 June 2021
Attachment D: Agenda of Environment and Planning 11 October 2021
Attachment E: Traffic Impact Assessment
Attachment F: Economic Impact Assessment
Attachment G: Urban Design Report
Attachment H: Agenda of Environment and Planning 12 July 2021
Attachment I: Minutes of Council Meeting 26 July 2021
Attachment J: Final Information Checklist for Planning Proposal
Attachment K: Planning Proposal Application Form
Attachment L: Planning Proposal Submission Form
Attachment M: SEPP 65 Design Report

1 Introduction

1.1 Overview of planning proposal

Table 2 Planning proposal details

LGA	Georges River
PPA	Georges River Council
NAME	Planning proposal to amend Georges River LEP 2021 affecting land at 143-149 Boundary Road & 689-691 Forest Road, Peakhurst
NUMBER	PP-2021-6934
LEP TO BE AMENDED	Georges River Local Environmental Plan (LEP) 2021
ADDRESS	143, 145, 147, 149 Boundary Road and 689, 691 Forest Road, Peakhurst
DESCRIPTION	143 Boundary Road – Lot D DP 389507 145 Boundary Road – Lot 12 DP 572452 147 Boundary Road – Lot 11 DP 572452 149 Boundary Road – Lot A DP 389507 689 Forest Road – Lot 1 DP 11501 691 Forest Road – Lot 1 DP 932423
RECEIVED	17/11/21
FILE NO.	EF21/16522
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal seeks to facilitate a mixed-use development consisting of ground floor retail/commercial and up to four storeys of residential shop top housing above comprising a total of 22 residential units. This is proposed to be achieved by:

- rezoning the site from R2 Low Density Residential to B1 Neighbourhood Centre;
- increasing the maximum floor space ratio from 0.6:1 to part 1.5:1 and part 1.7:1;
- increasing the maximum building height from 9 metres to part 12 metres and part 15 metres; and
- amending the minimum lot size map to no minimum lot size, consistent with the proposed B1 zoning.

Further details are discussed throughout this report including an accompanying concept scheme which seeks to demonstrate the intended outcomes for the site. The planning proposal is a proponent led planning proposal.

1.2 Site description

The site is located at 143-149 Boundary road and 689-691 Forest Road, Peakhurst. The legal descriptions of the lots included within this planning proposal is outlined below in **Table 1**.

Address	Lot and DP	Existing Land Use	Area
Residential Corner Site			
143 Boundary Road	Lot D DP 389507	Vacant lot	152m ²
143 Boundary Road	Lot 12 DP 572452	Vacant lot	155m ²
147 Boundary Road	Lot 11 DP 572452	Single storey residential dwelling	467m ²
149 Boundary Road	Lot A DP 389507	Single storey residential dwelling	443m ²
689 Forest Road	Lot 1 DP 11501	Single storey residential dwelling	766m ²
School of Arts Site			
691 Forest Road	Lot 1 DP 932423	Peakhurst School of Arts	1015m ²

The site is located within the former Hurstville Local Government Area (LGA) and now Georges River LGA. The total site area for all combined lots is 2,998m² and are subject to the Georges River LEP 2021.

The site currently consists of six separate allotments each with individual uses. The 'corner site' includes 143-149 Boundary Road and 689 Forest Road and consists of two vacant lots and three single storey residential dwellings. 691 Forest Road consists of the Peakhurst School of Arts which is described as permanently closed. The proponent owns each of the lots except the Peakhurst School of Arts property.

Vehicular and pedestrian access is currently provided via driveways on both Boundary and Forest Road. The land slopes approximately 3m from the north west to the south east boundaries of the site. There are no existing easements on site.

The site does not contain any heritage items and is not located in a heritage conservation area. However, the site is opposite heritage item I265 Wesleyan Chapel located at 800 Forest Road, Peakhurst. This will be discussed further throughout this report.

The subject site and the individual allotments that comprise it can be seen in **Figure 1** below.



Figure 1: Subject site (base source: planning proposal)

1.3 Surrounding area

There are numerous bus stops in proximity to the site on both Boundary and Forest Road. The closest train station is Riverwood Station 1.5km north of the site. Beverly Hills Station is 2.5km to the east of the site. The planning proposal outlines that the bus stops surrounding the site all provide bus routes that connect to Hurstville, Penshurst, Mortdale, Riverwood, Narwee and Bankstown train stations.

The site is immediately east of the Peakhurst B1 Neighbourhood Centre zone which contains a hardware store and a grocery store as well as some indoor recreation uses. These buildings are generally one and two storeys in height. To the south of the site is a car and vehicle repair station and other light industrial uses such as a bottle recycling centre. These sites are zoned IN2 Light Industrial and are generally two storeys in height.

To the east of the site across Boundary road are two churches, the Central Hurstville Samoan Assembly of God and the Uniting Roberts Lodge as well as an aged care facility and some low density-residential dwellings. The dwellings are generally one storey with some two storey dwellings and the aged care facility and churches are single storey buildings.

To the north of the site across Forest Road is another church, the Coptic Orthodox Diocese St. Abraam & St. Mikhail Al-Behairy Church. There are also commercial/retail offerings to the north of the site, these uses are a mix of one, two and three storey buildings. **Figure 2** below provides a context map of all the surrounding development.

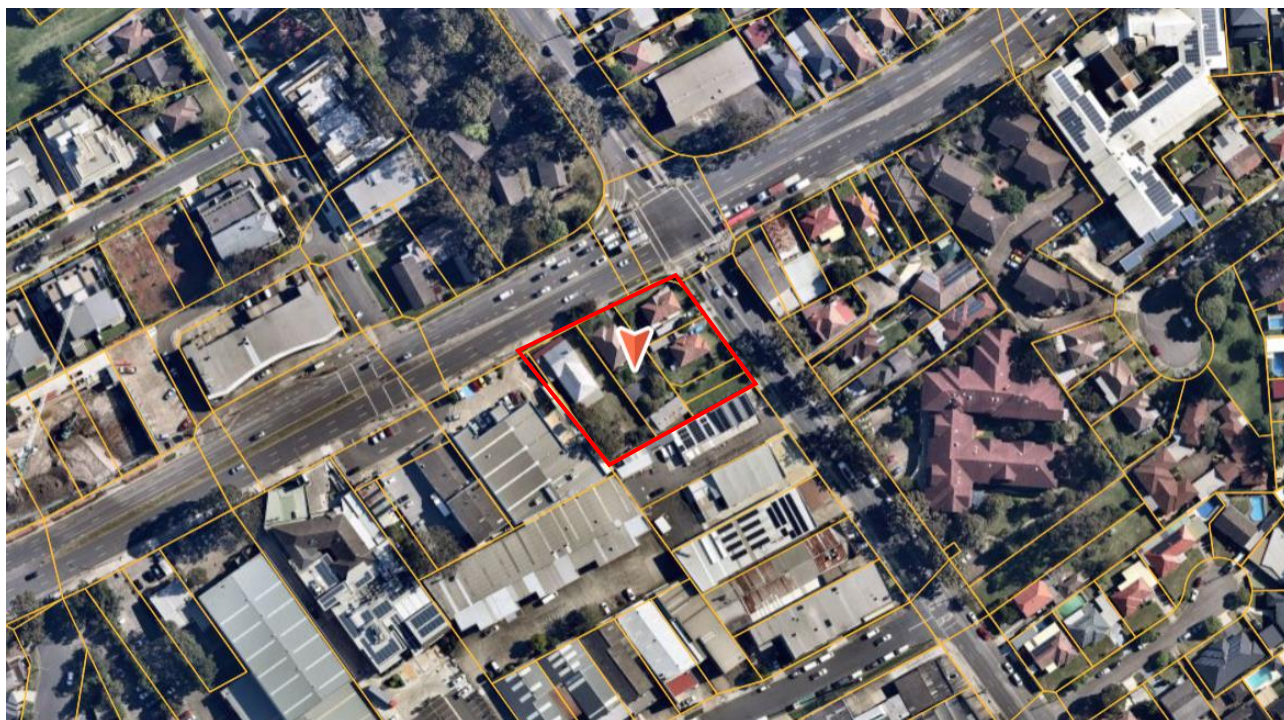


Figure 2: Context of surrounding development (base source: proponent planning proposal)

2 Proposal

2.1 Objectives or intended outcomes

The objectives of the planning proposal are to:

- facilitate the redevelopment of the site for mixed-use purposes;
- extend the existing B1 Neighbourhood Centre zone; and
- facilitate public domain improvements including a 200m² public plaza, footpath upgrades, active street frontages and street tree planting.

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

Table 3 provides details of the proposed amendments to the Sutherland Shire LEP 2015.

Table 3 Current and Proposed controls

<u>Properties</u>	<u>Control</u>	<u>Current</u>	<u>Proposed</u>
<u>Corner Site:</u>	Zoning	R2 Low Density Residential	B1 Neighbourhood Centre
143 Boundary Road	Height of Building	9m	Part 12m and Part 15m
143 Boundary Road	Floor Space Ratio	0.55:1	1.7:1
147 Boundary Road	Minimum Lot Size	450m ²	NIL
149 Boundary Road			
689 Forest Road			

<u>Properties</u>	<u>Control</u>	<u>Current</u>	<u>Proposed</u>
	Minimum Lot Size for Dual Occupancies	650m ²	NIL
<u>School of Arts Site:</u> 691 Forest Road	Zoning	R2 Low Density Residential	B1 Neighbourhood Centre
	Height of Building	9m	12m
	Floor Space Ratio	0.55:1	1.5:1
	Minimum Lot Size	450m ²	NIL
	Minimum Lot Size for Dual Occupancies	650m ²	NIL

Land use outcome and site layout

The proposed development standards seek to facilitate a mixed-use development of up to four storeys containing the following:

- ground level retail/commercial uses with shop top housing up to four storeys along the Boundary Road frontage;
- car parking in basement levels;
- a neighbourhood plaza on the Forest Road frontage;
- communal open space at podium level for residents;
- upper levels to be developed for residential apartments, with an indicative yield of 22 dwellings based on a mix of studios, 1-bed, 2-bed and 3-bed housing development; and
- retention of the School of Arts original brick front building, and the construction of a new community facility up to 3 storeys including underground parking at the rear of the site.

Figure 3 shows the concept scheme for the site layout and built form of the site intended to be achieved by the amendments to the development standards.



Figure 3: Proposed concept scheme rendering – including expanded public space under School of Arts redevelopment (source: proponent planning proposal)

Public Plaza and Public Domain

The planning proposal seeks to facilitate the creation of a 200m² public plaza fronting Forest Road. The supporting concept scheme reflects footpath upgrades, street tree planting along both Boundary and Forest Road as well as public art. **Figure 4** below shows the concept scheme with and without the public plaza being extended on to the School of Arts site pending redevelopment of that site. The hatching shows the location of the proposed public plaza.

The planning proposal notes that there is potential for a further 125m² future expansion of the public plaza to the eastern side and front of the School of Arts building, taking the total space (including the footpath area) to 420m², with the main area having dimensions of 22m width x 17m depth. This is dependent on the re-development of the School of Arts site, noting that the proponent does not own this site and as such has only recently incorporated it into the most recent amendment to the planning proposal.



Figure 4 – Proposed concept scheme site analysis plan

Development Control Plan

The planning proposal notes that a site-specific Development Control Plan (DCP) is intended to be exhibited concurrently with the planning proposal to reflect site specific provisions for any future development on the site. The site-specific DCP outlines controls for access to the site, building forms, dimensions of the proposed public open space, deep soil planting, boundary setbacks and other site-specific development controls.

Voluntary Planning Agreement

The proponent has offered to enter into a Voluntary Planning Agreement (VPA) with Council. The VPA relates to all lots in the planning proposal except the School of Arts site, 691 Forest Road, Peakhurst. The VPA offer provides for a monetary contribution on top of the S7.11 and S7.12 contributions for a total of \$900,000 to be paid to Council for the following public benefits:

- improved pedestrian and cycle connections from the site to nearby open space and commercial centre; and
- improvements to community facilities such as library technology at Penshurst Library.

The planning proposal outlines that these public benefits are identified in Council's strategic and infrastructure strategies and will address the additional demand and impacts generated by the proposed development under the planning proposal.

2.3 Mapping

The planning proposal includes mapping changes to the floor space ratio, height of buildings, land zoning and minimum lot size maps.



Figure 5: Current and proposed land zoning map

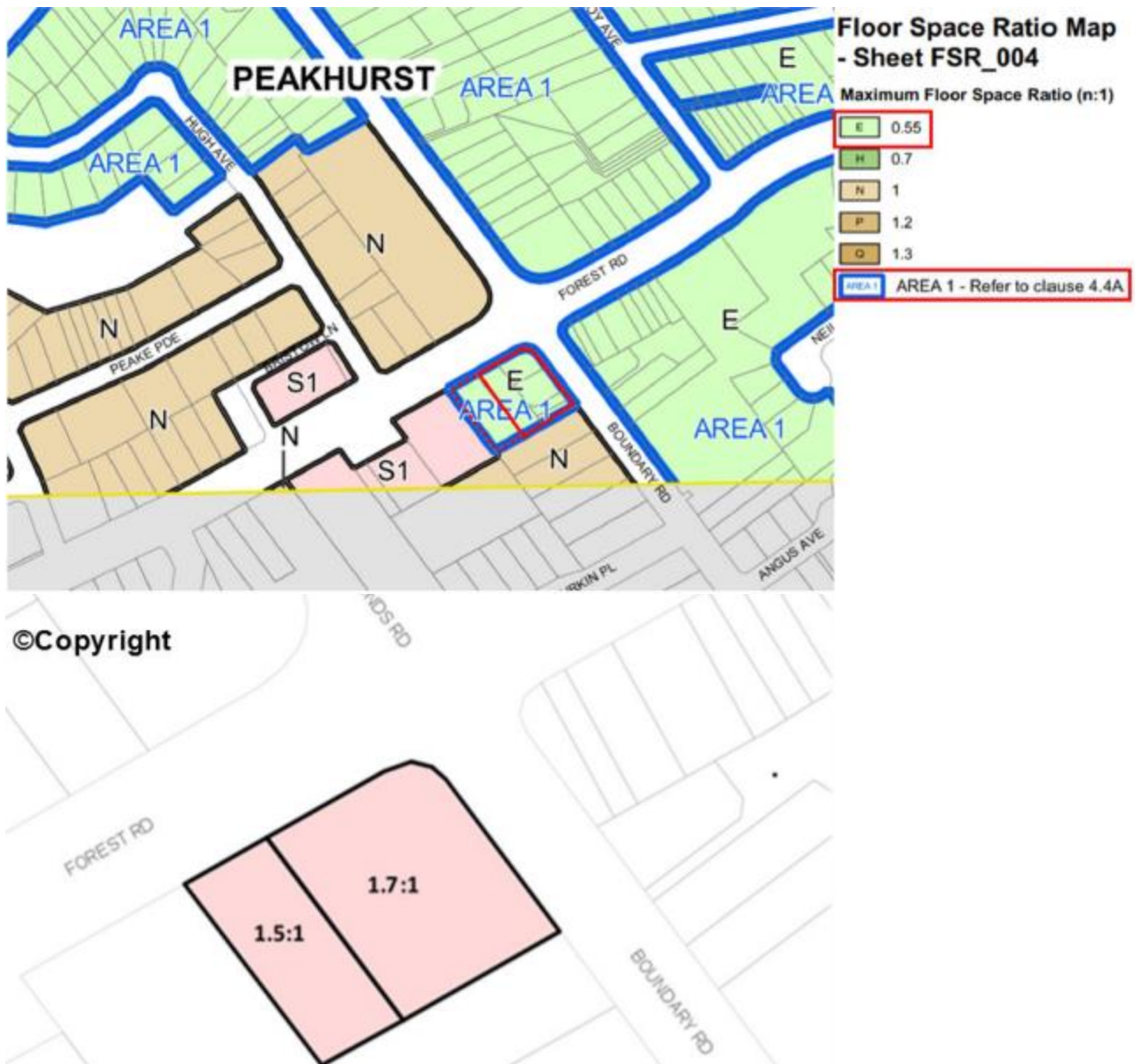


Figure 6: Current and proposed floor space ratio map

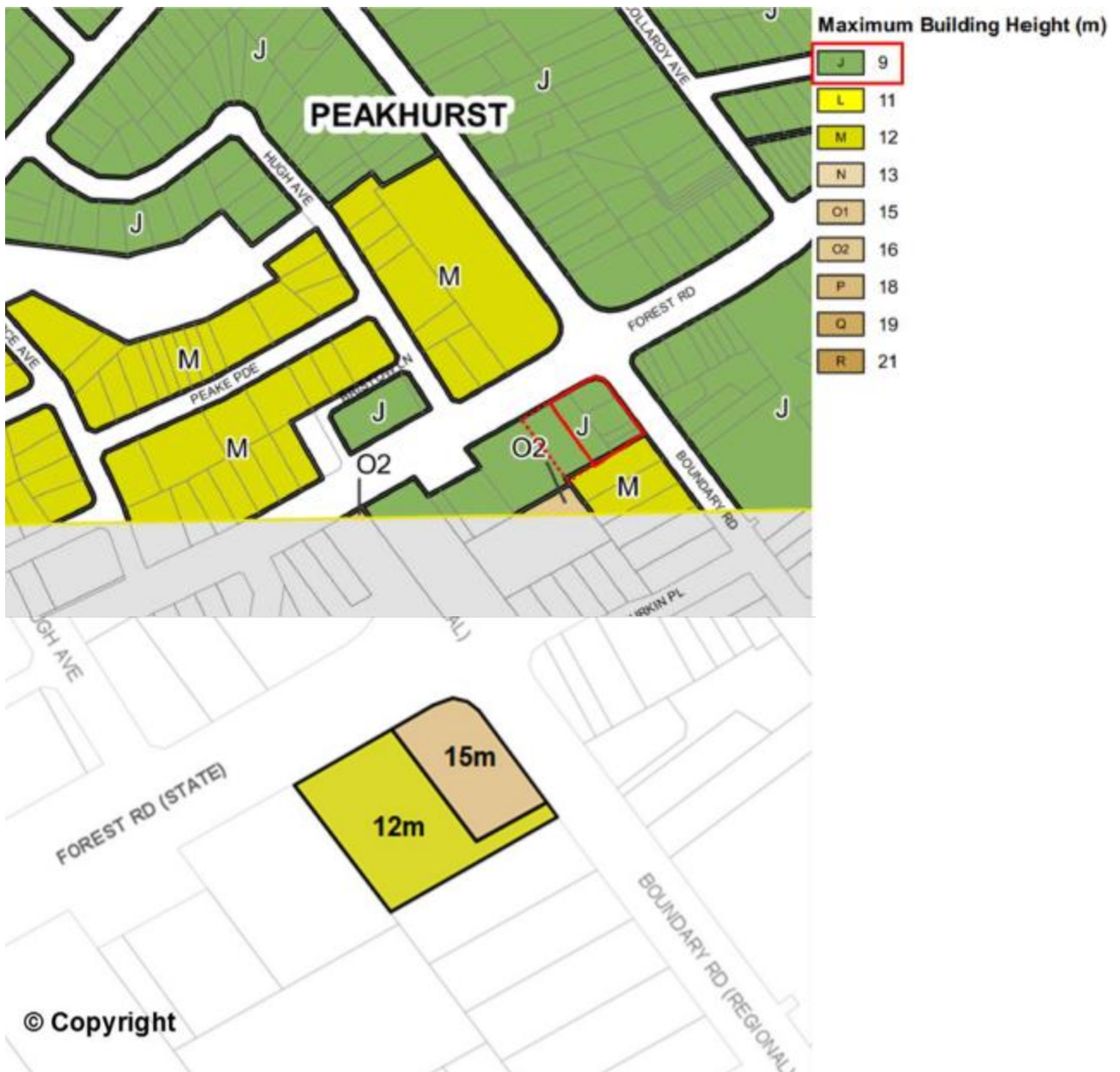


Figure 7: Current and proposed height of buildings map

2.4 Background and Planning Proposal History

- B1 – Neighbourhood Centre;
- 1.5:1 FSR; and
- 12m Height.

The proponent lodged an amended planning proposal in August 2019 following a submission to the Draft Georges River LSPS in June 2019. The planning proposal was revised and resubmitted in February 2020 with the addition of 691 Forest Road.

On 3 June 2021, the Georges River LPP reviewed the planning proposal. The following recommendation was made by the panel:

That the Georges River Local Planning Panel recommends that Council endorse the forwarding of Planning Proposal PP2019/0003 to the NSW Department of Planning and Environment (DPE) 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 2021, if gazetted),

- Rezoning from R2 – Low Density Residential to B1 – Neighbourhood Centre;*
- Increasing the maximum building height from 9m to part 12m and part 15m;*
- Increasing the maximum FSR from 0.6:1 to part 1.5:1 and part 1.7:1; and*
- Removing the minimum lot size requirement consistent with the proposed commercial zoning.*

That the Local Planning Panel recommends to Council that further consideration be given to aligning the proposed FSR and heights on the site to assist with future site design and development assessment. That the LPP recommends to Council that the Planning Proposal 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.

That the Georges River LPP recommends to Council that a site-specific amendment to the current Development Control Plan be prepared to reflect site specific provisions for any future development of the site

The planning proposal responds to the requirement to give 'further consideration to aligning the proposed FSR and heights on the site to assist with future design and development assessment' by outlining that the proposed FSR has resulted from urban design testing and that the nominated FSR controls are based on the high-level testing of the proposed building envelopes. The planning proposal outlines that the testing uses the best practice efficiency rates and indicates that an FSR of 1.7:1 can be accommodated on the corner site and if the School of Arts site was to be redeveloped, it could achieve a 1.5:1 FSR to facilitate the future expansion of the facility.

The planning proposal states that these tested controls will enable the delivery of a public plaza area and communal rooftop open space. Therefore, a reduced FSR would require a revised built form that would not result in the same urban design outcome or public benefits. The planning proposal notes the importance of the FSR controls governing density across the consolidated site.

Georges River Council Meeting 25 October 2021

At the 25 October 2021 Georges River Council Meeting, Council resolved:

- a) *That Council endorse the Planning Proposal (PP2019/0003) to amend Hurstville Local Environmental Plan 2012 (or if gazetted the Georges River Local Environmental Plan), in relation to 143-149 Boundary Road and 689-691 Forest Road, to:*
 - i. *Amend the Land Zoning (LZN) Map to rezone the Site from R2 – Low Density Residential to B1 – Neighbourhood Centre*
 - ii. *Amend the Height of Buildings (HOB) Map to increase the height from 9m to part 12m and part 15m*
 - iii. *Amend the Floor Space Ratio (FSR) Map to increase the maximum FSR from 0.6:1 to part 1.5:1 and part 1.7:1*
 - iv. *Amend the Minimum Lot Size (LSZ) Map to no minimum lot size.*
- b) *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.*
- c) *That the Planning Proposal be placed on public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.*
- d) *That Council resolve to prepare an amendment to the Hurstville Development Control Plan No. 1 ("HDCCP 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. The amendment to the relevant DCP is to facilitate access from Boundary Road through 143 Boundary Road to 691 Forest Road.

- e) *That the amendment to the relevant development control plan be placed on public exhibition in accordance with the Environmental Planning and Assessment*

The planning proposal was subsequently lodged with the Department seeking Gateway approval on 17 November 2021. The Department requested additional information to assist in the assessment which was provided by Council on 1 March 2022.

3 Need for the planning proposal

The planning proposal states that it responds to the Georges River Commercial Centre Strategy which was endorsed in 2020. Part 1 of the Commercial Centre Strategy outlines criteria by which to assess proponent led planning proposal applications. The planning proposal states that it is consistent with the criteria as it is not an ad hoc out of centre rezoning, is immediately adjacent to a local centre and meets an economic demand for additional employment floor space that cannot be provided within the existing local centre.

The planning proposal states that it will enable a more appropriate zoning for the sites given the adjoining B1 Neighbourhood Centre and IN2 Light Industrial zonings. It states that the existing R2 Low Density Residential zoning on this site is inconsistent and incompatible with the adjoining zones as these zones permit intensive industrial and commercial uses. The proposed B1 Neighbourhood Centre zoning seeks to provide:

- a more compatible zoning;
- better amenity for future residents on the site and; and
- a better transition to the adjoining IN2 zoning.

A planning proposal is the best means to deliver the intended outcomes as it will provide the mechanism to facilitate the desired built form outcome as part of a future development assessment.

4 Strategic assessment

4.1 District Plan

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

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

The planning proposal is consistent with the following District Plan Planning Priorities:

District Plan Priorities	Justification
<p>Planning Priority S1: Planning for a city supported by infrastructure</p>	<p>The site is surrounded by an urban setting comprising a light industrial and residential uses. Peakhurst is identified as a local centre. Extending the B1 zoning to create more floor space for retail and commercial uses is consistent with the objectives of a local centre as it will provide goods and services to meet the day to day needs of surrounding residents.</p> <p>There are numerous bus stops in proximity to the site on both Boundary and Forest Road. The closest train station is Riverwood Station 1.5km north of the site. Beverly Hills Station is 2.5km to the east of the site. The planning proposal outlines that the bus stops surrounding the site all provide bus routes that stop at Hurstville, Penshurst, Mortdale, Riverwood, Narwee and Bankstown train stations.</p> <p>The planning proposal responds to this planning priority as it seeks to increase permissible residential density within walkable distance to public transport.</p>
<p>Planning Priority S3: Providing services and social infrastructure to meet people's changing needs</p>	<p>The planning proposal will result in additional housing choice available within Peakhurst in proximity to existing services. The proposed B1 Neighbourhood Centre will provide access to day to day goods and services to support the surrounding residential areas and the future residents of the shop top housing.</p>
<p>Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities</p>	<p>The planning proposal will increase the potential capacity for dwellings and commercial and retail floor space to be provided on the site. The proximity of the site to existing residential areas provides the opportunity to contribute to a socially connected community.</p>
<p>Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>The planning proposal intends to facilitate additional housing on a site that currently only permits low density residential uses. The intention of the planning proposal is to facilitate 22 residential apartments in the form of shop top housing which will provide for a smaller housing typology.</p> <p>As discussed above, the site is located within an existing urban residential setting with reasonable access to existing services and public transport.</p>
<p>Planning Priority S6: Creating and renewing great places and local centres and respecting the District's heritage</p>	<p>This priority recognises the importance of creating great places that bring people together and conserve environmental heritage.</p> <p>The planning proposal has the potential to provide a residential development within proximity of existing services to support the liveability of residents on site.</p> <p>The Plan states that '<i>Additional residential development within a 5-minute walk of a centre focussed on local transport, or within a 10-minute walk of a centre with city-shaping or city-serving public transport, will help to create walkable local centres</i>'. However, housing should not compromise a centre's primary role to provide goods and services, and the opportunity for the centre's employment function to grow and change over time'.</p> <p>The planning proposal site is within a 5 minute walk of a local centre that is served by numerous bus routes. Providing additional housing and employment opportunities within a 5 minute walk of the centre is consistent with the District Plan's placed-based approach to renewing local centres.</p>

District Plan Priorities	Justification
Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres	<p>The planning proposal seeks to introduce commercial and retail uses on the site that will provide for increased employment floor space. The planning proposal states that it will create a total of 28 jobs directly and 36 jobs indirectly during the operation of the commercial and retail uses. During construction, the planning proposal estimates a total of 45 direct and 130 indirect jobs will be created.</p>
Planning Priority S10: Retaining and managing industrial and urban services land	<p>The planning proposal will not result in the rezoning of any land zoned for an industrial purpose. However, it does seek to increase the permissible residential density of land that adjoins land zoned for an industrial purpose to the south.</p> <p>The proposed zoning is consistent with adjoining land fronting Forest Road that also adjoins industrial zoned land to the south. Any future development will need to ensure it is designed in a manner to respect this land use relationship which can be addressed as part of any future development assessment.</p>
Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city	<p>The site is located within reasonable proximity to the surrounding bus stops and train stations. The rezoning of the site to B1 Neighbourhood Centre is a logical extension of the adjoining B1 zone and is suitable within the context of the adjoining sites. The planning proposal identifies that a total of 28 full time employment jobs and 22 residential units will be created during the operation of the mixed-use development. The resulting development will increase the density of the site within proximity to existing goods and services to serve the day to day needs of future residents.</p>
Planning Priority S15: Increasing urban tree canopy cover and delivering Green Grid connections	<p>The planning proposal seeks to incorporate street tree planting as part of the public domain upgrades. This will likely be captured as part of the accompanying site-specific DCP.</p> <p>The site provides the potential through ground level open space provision to accommodate tree canopy within the site. This will be considered further as part of any future development assessment.</p>
Planning Priority S16: Delivering high quality open space	<p>The planning proposal seeks to facilitate the creation of a 200m² public plaza fronting Forest Road. The planning proposal outlines intended footpath upgrades, street tree planting along both Boundary and Forest Road as well as public art. The planning proposal notes that there is potential for a further 125m² future expansion of the public plaza to the eastern side and front of the School of Arts building pending the redevelopment of the site, taking the total space (including the footpath area) to 420m².</p> <p>The intended public domain upgrades, street tree plantings and public plaza provides an opportunity to contribute to improving the local amenity of the Peakhurst Neighbourhood Centre.</p>

4.2 Local

The planning proposal submitted by Council was completed in February 2020 and originally made an assessment against the Draft Georges River LSPS only. Additional information was submitted on 1 March 2022 and provides an assessment of the final Georges River LSPS.

The Department has assessed the planning proposal against provisions of the finalised Georges River LSPS below.

Table 6 Local strategic planning statement assessment

Local Strategic Planning Statement Priorities	Justification
Planning Priority 4: Collaboration supports innovation and delivers infrastructure, services and facilities	<p>Action A18 <i>Investigate appropriate infrastructure funding options where there is an uplift in density</i> is relevant to this proposal as there is proposed uplift in density. The planning proposal is accompanied by a voluntary planning agreement for a total of \$900,000 to be offered to Council that will:</p> <ul style="list-style-type: none"> • improve pedestrian and cycle connections from the site to nearby open space and commercial centre; and • provide for improvements to community facilities such as library technology at Penshurst Library.
Planning Priority 8: Place based development, quality building design and public art deliver liveable places	<p>The proposal is consistent with A46 <i>Include local provisions that facilitate placemaking through urban design, urban art and connectivity between social infrastructure and people in Council's DCPs</i>. The proposed public plaza could facilitate a gathering space in an appropriate zoning that could be beneficial to future residents. The planning proposal outlines that the controls pertaining to solar access, public art and use of the public plaza will be captured within the site-specific DCP. The B1 neighbourhood zoning is an appropriate zoning to hold a public plaza adjoining a relatively low-scale mixed use development that will provide for the day to day needs of the residents.</p>
Planning Priority 9: A mix of well-designed housing for all life stages caters for a range of lifestyle needs and incomes	<p>The planning proposal intends to create a low-medium scale mixed-use development, providing for a total of 22 dwellings above retail and commercial uses. This is consistent with A48 <i>Facilitate a broader range of housing types across the LGA through rezoning land, including controls for medium density development in Council's LEP and DCP 2020</i>. The residential apartments will provide a smaller housing typology than what is currently offered in Georges River with over 50% of dwellings within the LGA represented by detached dwellings.</p>
Planning Priority 10: Homes are supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces	<p>The planning proposal seeks to create a public plaza totalling a total of 200m²-325m² depending on the redevelopment of the school of arts site. This plaza fronts Forest road and will provide a space accessible to the community which will service the retail, commercial and residential uses proposed in this planning proposal. The surrounding residential development will ensure the space remains safe through empowering the CPTED principles. This is consistent with A53 <i>Include controls in Council's DCP 2020 to ensure accessible green spaces and gradual and appropriate height transitions, landscaping, vista protection and the integration of Crime Prevention through Environmental Design (CPTED) principles</i>.</p>

Planning Priority 12: Land is appropriately zoned for ongoing employment growth	<p>The planning proposal is consistent with A59 <i>Introduce controls in Council's LEP 2020 to ensure the provision of non-residential floor space in the LGA's commercial centres</i>. The recently gazetted Georges River LEP 2021 requires a non-residential floor space of 0.3:1 in all new developments in the B1 zone. The planning proposal outlines that there will be a total of 1,500m² of retail and commercial achieved. The proposed retail and commercial floor space equates to 0.5:1 of the site area and therefore is consistent with this action.</p> <p>The proposed commercial and retail floor space also responds to A64 <i>Ensure ongoing review of the zoning and development controls of all centres with the aim of providing sufficient employment floor space to meet future population and employment projections</i>.</p>
Planning Priority 13: Planning, collaboration and investment delivers employment growth and attractive, lively, accessible and productive centres	<p>The intended public plaza, footpath upgrades and street tree planting responds to A70 <i>Commence a prioritised program of public domain improvements and place-making activities that improve liveability and enhance connectivity and vibrancy of centres</i>.</p>
Planning Priority 15: All local centres are supported to evolve for long-term viability	<p>The LSPS forecasts the growth of jobs to 2036 to be up to 13,000 and outlines that this will be accommodated through an additional 25% of employment floor space. The LSPS specifies Peakhurst as a commercial centre that can facilitate additional employment floor space through changes to development controls.</p> <p>The proposed rezoning to B1 and increase in employment floor space on site will help achieve the above objectives and is also consistent with A80 <i>Promote activation and ongoing viability by conducting place-based analysis of key centres including the investigation of development standards and centre expansion as part of Council's LEP 2022</i>.</p>
Planning Priority 17: Tree canopy, bushland, landscaped settings and biodiversity are protected, enhanced and promoted	<p>As discussed previously, the planning proposal seeks to incorporate street tree planting as part of the public domain upgrades. The site also provides the potential through ground level open space provision to accommodate tree canopy within the site. This will be considered further as part of any future development assessment.</p>
Planning Priority 19: Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places	<p>The intended public space and cycle and pathway connections to existing open space are consistent with A103 <i>When increasing residential density through rezoning, innovative solutions will be required for public open space to be provided in accordance with the South District Plan's standard</i>.</p>

Table 7 Other local strategies

Other Local Strategies	Justification
Georges River Local Housing Strategy	<p>The Georges River Local Housing Strategy was adopted by Council in August 2020. The Local Housing Strategy was endorsed by the Department 23 June 2021.</p> <p>The proposed mixed-use outcome is consistent with the following objectives of the Sutherland Shire LHS:</p> <p><i>Objective 1: Accommodate additional housing growth</i></p> <p><i>Objective 2: Coordinate growth with infrastructure</i></p> <p><i>Objective 4: Provide greater housing choice and diversity</i></p> <p>The proposal is consistent with this strategy as it seeks to provide capacity for residential dwellings in an accessible area in proximity to services, public open space and transport infrastructure.</p>
Georges River Commercial Centre Strategy	<p>The Georges River Commercial Centre Strategy outlines criteria by which the expansion of centres may be considered by the way of rezoning. The planning proposal adequately responds with the following criteria:</p> <ul style="list-style-type: none"> • <i>Not an adhoc out of centre zoning</i> • <i>Is immediately adjacent to an existing centre categorised as a ‘village’</i> • <i>Meeting an economic demand for additional employment floor space that cannot be provided within the existing centre</i> • <i>Does not negatively impact the economic viability and performance of the existing centre</i> • <i>Delivers a greater net community benefit compared to the existing use of the subject site</i> • <i>Presents a significant opportunity to provide much needed, community orientated public benefits</i> • <i>Satisfies the strategic and site specific merit tests in accordance with the Greater Sydney Region Plan and District Plan</i>

4.3 Section 9.1 Ministerial Directions

On 1 March 2022, a new set of Ministerial Directions were issued to reorientate the previous directions with nine policy focus areas and included minor housekeeping amendments. An assessment having regard to the new 9.1 Directions is provided below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site Specific Provisions	Consistent	<p>This Direction aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal does not propose any such provisions listed in Direction 1.4 that will unnecessarily restrict development on the site.</p>

3.2 Heritage Conservation	Not applicable	No lots comprising the site are identified as having any level of heritage significance.
4.1 Flooding	Not applicable	The site is not identified as being flood prone and as such this Direction does not apply.
4.4 Remediation of Contaminated Land	Consistent	<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>The planning proposal states the land has not been identified as contaminated land in a public register and land contamination is not likely to be an issue on the site. The planning proposal outlines that research was undertaken to understand any previous potential contaminant uses on the site. This research did not reveal any uses on the site that would cause land contamination as identified in Table 1 of the SEPP 55 Planning Guidelines.</p> <p>Any further contamination assessment should be undertaken as part of any future development assessment if required.</p>
4.5 Acid Sulfate Soils	Not applicable	The site is not affected by Acid Sulfate Soils and as such this Direction does not apply.
5.1 Integrated Land Use and Transport	Consistent	<p>This Direction requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>The site is located within an existing urban residential setting with existing services and public transport within reasonable proximity to the site.</p>
6.1 Residential zones	Consistent	<p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services and minimise the impact of residential development on environment and resource lands.</p> <p>The planning proposal will enable the use of the land for a higher density residential typology than what currently exists. The location is in proximity to a range of services and existing infrastructure. Therefore, the proposal will make efficient use of the existing infrastructure and services.</p>
7.1 Business and Industrial Zones	Consistent	The planning proposal is consistent with this direction as it will provide an increase in potential employment floorspace and services. This is consistent with the objective of encouraging employment growth in suitable locations which will support the viability of the existing neighbourhood centre.

4.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal
SEPP No 65 – Design Quality of Residential Apartment Buildings	SEPP 65 is relevant as the proposal includes a concept design for shop-top housing comprising a total of 22 units. Whilst specific design details will be assessed as part of any future development application, it is relevant to consider the design principles of this SEPP and its relationship to the Apartment Design Guide (ADG)	<p>As part of the additional information lodged on 1 March 2022, Council provided a SEPP 65 Design Report.</p> <p>The SEPP 65 Design Report outlines that any future DA built to the proposed concept scheme can achieve compliance with the key requirements of SEPP 65 and the Apartment Design Guidelines. Compliance is shown with requirements for building separation, building width, solar access, cross ventilation and communal open space requirements.</p> <p>The report is also accompanied by overshadowing and solar access studies to the proposed public plaza. The diagrams show reasonable solar access to the plaza from 9am-11am on 21 June and 12pm-3pm on 21 June. This is discussed further in Section 5.1 below.</p>

5 Site-specific assessment

5.1 Environmental

Critical habitats and threatened species

There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject site. There are no likely environmental impacts that would arise as a result of the planning proposal.

Built form and density

The site is located at the corner of Forest Road and Boundary Road and forms a link between the Peakhurst (Forest Road) Centre and the Peakhurst Industrial precinct. The existing context is characterised by an existing 9 metre maximum building height applied to the site and the adjoining B1 Neighbourhood Centre zoning and a 12m height to the IN2 Light Industrial zoning to the south.

The proposed increase in density and height for a mixed use purpose intends to facilitate a building of up to 4 storeys along the corner of Boundary Road and Forest Road before stepping down in height to the west and south. This approach defines the street corner and will provide a transition in height that responds to the existing context of adjoining properties. A three storey building is shown to the rear of the existing School of Arts building to allow its retention but also provide the opportunity for additional development potential.

The design approach is well considered and can be further refined as part of any future development assessment.



Figure 9: Concept scheme in context of surrounding area looking north west (source: urban design report)

Solar access and overshadowing

The accompanying concept scheme is supported by overshadowing diagrams to demonstrate the impacts of the proposed additional height and FSR. The diagrams show that the intended concept scheme results in overshadowing to the southern industrial zoned sites from 12pm onwards on 21 June. There appears to be minimal increased solar access impacts to neighbouring residential zoned land that requires further analysis with this planning proposal.

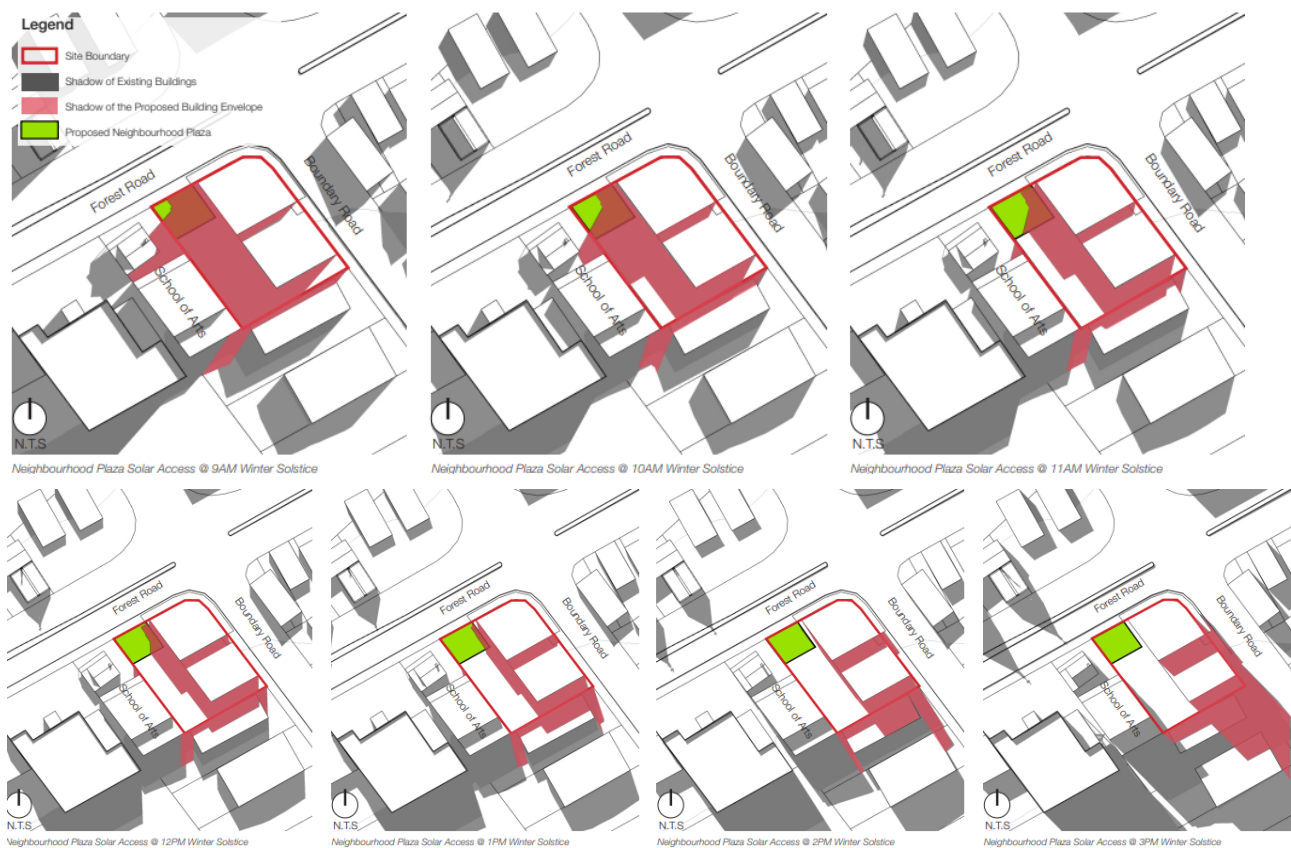


Figure 10: Overshadowing diagram of proposed concept scheme 9am-3pm 21 June

5.2 Social and economic

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

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposed development will extend the existing neighbourhood centre and increase the services available to the surrounding area by increasing the employment floor space and retail and commercial uses on site.</p> <p>The proposed public plaza, footpath upgrades, street tree plantings and general public domain upgrades has the potential to contribute to a positive social benefit for the community.</p>
Economic	<p>The planning proposal will provide an opportunity to provide mixed-use development on site which is estimated to create:</p> <ul style="list-style-type: none"> • A 1,500m² increase in employment floor space, providing potential for 28 local jobs and 36 indirect jobs on the Corner site (FTE), consistent with local strategic objectives for jobs growth in centres. • 45 direct jobs and 130 additional indirect jobs during construction of the Corner site. <p>Facilitating this increase in employment floor space will provide the opportunity for the expansion of businesses within the Peakhurst village centre.</p>

5.3 Infrastructure

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

Table 3 Infrastructure assessment

Infrastructure	Assessment
Traffic and Transport	<p>The site is located within an existing urban setting and is well located to existing public transport in the form of various bus stops servicing train stations within the surrounding area.</p> <p>The planning proposal states that basement level car parking access is expected to be provided at the southern end of the site on Boundary Road and intends to rationalise five existing access crossovers into one access crossovers point.</p> <p>The supporting traffic impact assessment outlines that the expected on-site parking provision will be assessed in detail as part of any future development assessment. However, it outlines that traffic generation associated with the concept proposal results in the potential addition of 38 and 43 vehicles to the network in the AM and PM peaks, respectively. This represents an increase of less than 1% in traffic at the signalised intersection of Forest Road and Boundary Road. The assessment recommends that to offset the development traffic impacts on the intersection that the</p>

	<p>exit lane on the Boundary Road approach be adjusted to provide for an additional 35 metres for through traffic.</p> <p>It is noted that the traffic impact assessment report was prepared in July 2019 prior to proposed intersection improvement works proposed by Transport for NSW (TfNSW) detailed in October 2020. The proposed changes seek to improve efficiency and safety and reduce traffic impediments and include:</p> <ul style="list-style-type: none"> • Installing new dedicated right turn lanes on Boundary road and Bonds Road approaching Forest Road; • Upgrading left turn on Forest Road into Bonds Road to improve visibility; • Relocating Bus Stop ID 2210234 on Bonds Road to allow sufficient lane length for traffic merging into one lane; • Adjusting utilities, street lighting, drainage, signage and road marking; and • Adjusting driveways and footpaths. <p>Council advises that the planning proposal was referred to TfNSW for comment but not comment had been received to date. Therefore, a condition of Gateway is recommended to require:</p> <ul style="list-style-type: none"> • The planning proposal to be updated to address the impacts and relationship of the TfNSW intersection improvement works to the proposal; and • consultation with TfNSW to obtain feedback on the planning proposal.
Infrastructure	<p>Any future development may require utility services to be upgraded and/or augmented to enable the intended future development to occur.</p> <p>As the proposal will intensify development on the site, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination, including Sydney Water and Ausgrid.</p>

6 Consultation

6.1 Community

An exhibition period of 20 days is considered appropriate and forms a condition of the Gateway determination.

6.2 Agencies

The planning proposal does not specifically identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Ausgrid;
- Sydney Water; and
- Transport for NSW.

7 Timeframe

A project timeline is included in the planning proposal which has a timeframe of 9 months after Gateway Determination to complete the LEP.

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

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

8 Local plan-making authority

Given the scale and nature of the planning proposal, the Department supports Council being authorised as the local plan-making authority for this proposal.

9 Assessment Summary

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

- it is consistent with the relevant provisions of the Greater Sydney Region Plan, Eastern City District Plan, applicable State Environmental Planning Policies, section 9.1 Directions, and local strategic plans.
- it facilitates the potential for additional housing and employment in proximity to existing public transport and local services; and
- it facilitates a built form that is well considered and responds to the context of the area.

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 submitting the planning proposal for finalisation, the planning proposal is to be updated to:
 - a) Prepare an updated traffic impact assessment to address the intersection improvements works led by TfNSW on Forest, Bonds and Boundary Road.
 - b) Amend the Minimum Lot Size for Dual Occupancy Map to no minimum lot size on the sites
- 2) Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - a) the planning proposal must be made publicly available for a minimum of 20 days; and
 - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021)*.
- 3) Consultation is required with the following public authorities:
 - Ausgrid;
 - Sydney Water; and
 - Transport for NSW

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 days to comment on the proposal

- 4) A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

- 5) The planning proposal must be placed on exhibition not more than 3 months from the date of the Gateway determination.
- 6) The planning proposal must be reported to council (or Planning Panel) for a final recommendation no later than 7 months from the date of the Gateway determination.
- 7) The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
- 8) Given the scale and nature of the planning proposal, the Department supports Council being authorised as the local plan-making authority for this proposal.



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31 March 2022
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