



IRF24/804

## Gateway determination report – PP 2023-1109

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The Montefiore Seniors Living Planning Proposal; 116-120 High Street, 2-20 Gaza Avenue and 45-47 Barons Crescent, Hunters Hill

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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

| Relevant reports and plans  |
|---|
| Attachment A - Planning Proposal - August 2023  |
| Attachment A1 - Site-Specific DCP - August 2023   |
| Attachment A2 - Transport Impact Assessment - August 2023   |
| Attachment A3 - Urban Design Report, Masterplan and Shadow Diagrams - July 2023                   |
| Attachment A4 - Community Needs Assessment - August 2023  |
| Attachment A5 - Bushfire Report - May 2023  |
| Attachment A6 - Survey Report   |
| Attachment A7 - Services and Infrastructure Report - August 2023                                  |
| Attachment A8 - Detailed Site Investigation Report - August 2023                                  |
| Attachment A9 - Preliminary Arborist Report – 2 February 2023                                     |
| Attachment A10 - Engagement Outcomes Report – 3 February 2023                                     |
| Attachment A11 - Heritage Report – November 2021  |
| Attachment A12 - Economic Impact Assessment - August 2023   |
| Attachment A13 - Landscape Plan – February 2023   |
| Attachment A14 - Archaeology Report – 19 November 2021  |
| Attachment A15 – Letter to DPHI regarding revised Montefiore Planning Proposal Update August 2023 |
| Attachment B – Gateway Determination  |
| Attachment C - Hunters Hill Local Planning Panel Minutes – 22 June                                |
| Attachment D1 - Council Report, 12 September 2023   |
| Attachment D2 – Council Resolution, 12 September 2023   |
| Attachment F - Rezoning Review Briefing Report - Montefiore Seniors Living Proposal Hunters Hill, |
| Attachment G - Council Response to Rezoning Review - November 2023                                |
| Attachment H – Sydney North Planning Panel, Rezoning Review Record of Decision – 19 December 2023 |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                            |  |
|----------------------------|--|
| <b>LGA</b>                 | <b>Hunters Hill Council</b>  |
| <b>PPA</b>                 | <b>Sydney North Planning Panel</b>   |
| <b>NAME</b>                | The Montefiore Seniors Living Proposal (144 Independent Living Units)  |
| <b>NUMBER</b>              | PP_2023-1109   |
| <b>LEP TO BE AMENDED</b>   | Hunters Hill Local Environmental Plan 2012   |
| <b>ADDRESS</b>             | The Montefiore Seniors Living Site ; 116-120 High Street, 2-20 Gaza Avenue and 45-47 Barons Crescent, Hunters Hill   |
| <b>DESCRIPTION</b>         | <p><b>120 High Street, Hunters Hill (Lot 2 DP312298, Lot 9 DP 724017, Lot 10, DP 724017, Lot 1 DP 325793, Lot 2 DP 325793)</b></p> <p><b>118 High Street, Hunters Hill (Lot 63 DP 16119)</b></p> <p><b>116 High Street, Hunters Hill (Lot 62 DP 16119)</b></p> <p><b>2 Gaza Avenue, Hunters Hill (Lot 61 DP 16119)</b></p> <p><b>4 Gaza Avenue, Hunters Hill (Lot 60 DP 16119)</b></p> <p><b>6 Gaza Avenue, Hunters Hill (Lot 59 DP 16119)</b></p> <p><b>8 Gaza Avenue, Hunters Hill (Lot 58 DP 16119)</b></p> <p><b>10 Gaza Avenue, Hunters Hill (Lot 57 DP 16119)</b></p> <p><b>12 Gaza Avenue, Hunters Hill (Lot 56 DP 16119)</b></p> <p><b>14 Gaza Avenue, Hunters Hill (Lot 55 DP 16119)</b></p> <p><b>16 Gaza Avenue, Hunters Hill (Lot 54 DP 16119)</b></p> <p><b>18 Gaza Avenue, Hunters Hill (Lot 53 DP 16119)</b></p> <p><b>20 Gaza Avenue, Hunters Hill (Lot 52 DP 16119)</b></p> <p><b>47 Barons Crescent, Hunters Hill (Lot 51 DP 16119)</b></p> <p><b>45 Barons Crescent, Hunters Hill (Lot 50 DP 16119)</b></p> |
| <b>RECEIVED</b>            | <b>25/01/2024</b>  |
| <b>FILE NO.</b>            | EF24/1922  |
| <b>POLITICAL DONATIONS</b> | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>   |

**LOBBYIST CODE OF CONDUCT**

There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Rezone the land from R2 low density residential zone to SP2 Infrastructure (Seniors Housing) to allow for the delivery of additional seniors housing accommodation in a manner that provides certainty for Montefiore and the local Community.
- Support orderly and economic use of otherwise underutilised land and upgrade an ageing 1960s facility which is no longer fit for purpose into an integrated, contemporary seniors housing campus.
- Provide a maximum height of building control that responds appropriately to the variable development forms while ensuring compatibility with the transitioning context of the site and locality.
- Improve housing diversity in response to the aging demographic profile of Hunters Hill, and the emerging preference for supportive living environments that do not compromise wellbeing or independence.
- Promote local opportunities for residents to ‘age in place’ within an established residential context.
- Deliver a suitable layout and structure that responds to the opportunities and constraints of the site, including protecting the heritage significance of the site and retaining significant trees and landscaping.
- Improve the access and safety of vehicle movements around the site and provide basement parking onsite to remove staff and visitors parking from surrounding streets.
- Ensure that new development is appropriate to the surrounding and likely future built form context and provides an acceptable transition to the surrounding properties.
- Provide public benefits including allied health facilities on site, alleviating the need to develop additional infrastructure to support the proposed development.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Hunters Hill LEP 2012 per the changes below:

**Table 3 Current and proposed controls**

| Control                        | Current                    | Proposed  |
|--------------------------------|----------------------------|---|
| Zone                           | R2 Low Density Residential | SP2 Infrastructure (Seniors Housing)                            |
| Maximum height of the building | 8.5m (2 storeys)           | Part 8.5m (2 storeys), 16m, 18m (4 storeys) and 24m (6 storeys) |
| Floor space ratio              | Part 0.5:1 and 1:1         | 1:1   |



| Control             | Current  | Proposed  |
|---------------------|--|---|
| Number of dwellings | 18 Independent Living Units<br>334 aged care beds        | Total of 144 independent Living Units, which represents 126 additional units<br><br>Reduction to 194 aged care beds   |
| Number of jobs      | 214 existing 'shift staff' FTE<br>10 FTE finance workers | 192 direct and 280 indirect construction jobs over two-year development phase<br><br>177 FTE on-site jobs equating to an estimated employment headcount of around 300 staff |

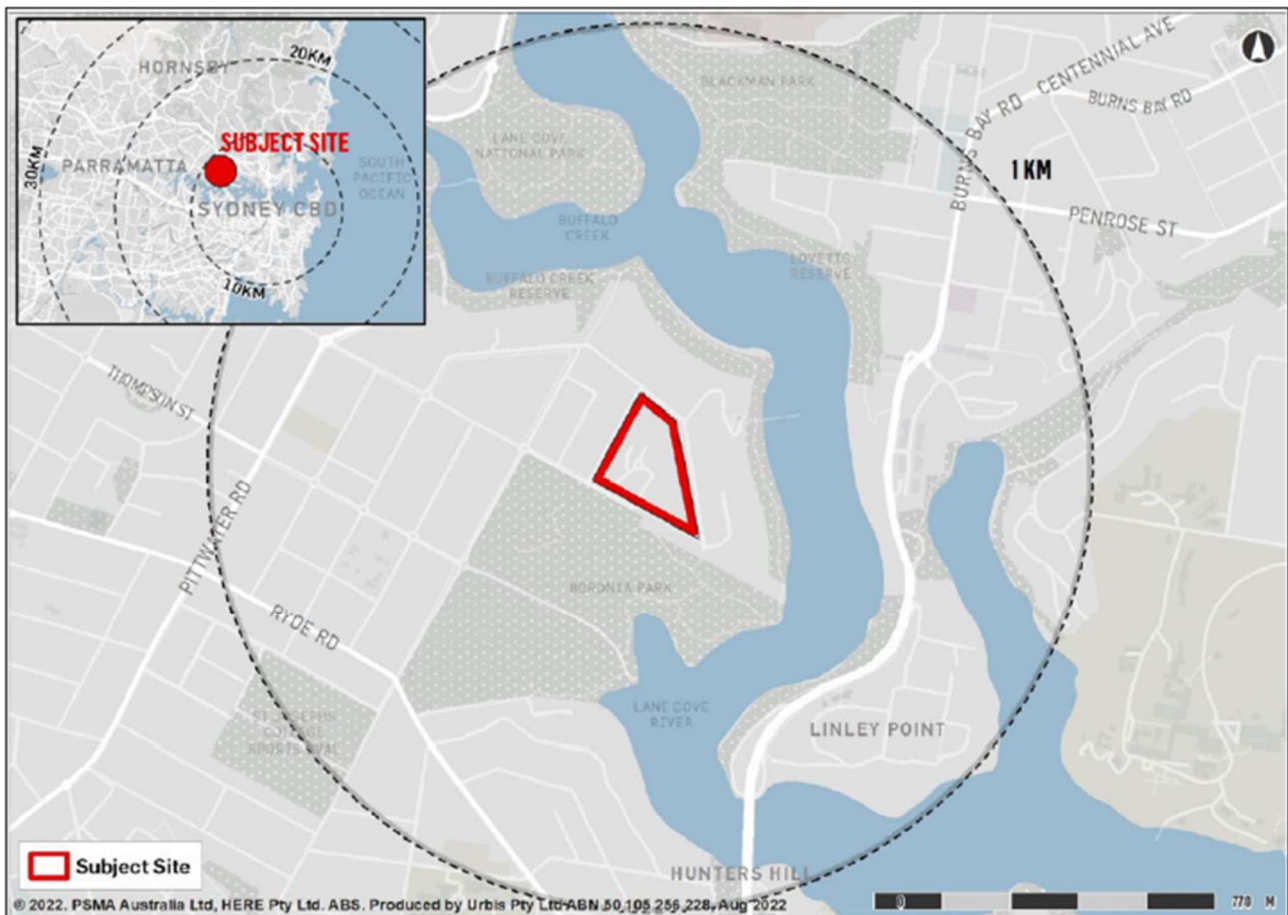
The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The land to which the Planning Proposal relates is made up of multiple individual land parcels. The general location of these land holdings is shown in Figure 1.



**Figure 1 Subject site (source: Six Maps, April 2024)**



**Figure 2 Site context (source: Urbis, Planning Proposal, Aug 2023)**

The highest point of the site is located at the north-western corner of the site at a level of approximately RL46.50m and the lowest point is located along the south-eastern corner at a level of approximately RL 37.0m; a fall of approximately 9.5m.

The subject site is located 1.2km from Hunters Hill Village and 1.8km from Gladesville Town Centre, the primary strategic centres within the LGA.

The surrounding area consists of a local road network with many street trees and residential dwellings that are generally low-density detached houses. Boronia Park is to the south-west of the site, with the Lane Cove River, and associated walking tracks to the east and north of the site.

Photos of the existing street and surrounding are provided in the Figures below.





**Figure 3 Site context – Barons Crescent (source: Hunters Hill Council)**



**Figure 4 Site context – Gaza Ave and Boronia Park (source: Urbis)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Zoning, Height and Floor Space Ratio maps, which are suitable for community consultation.



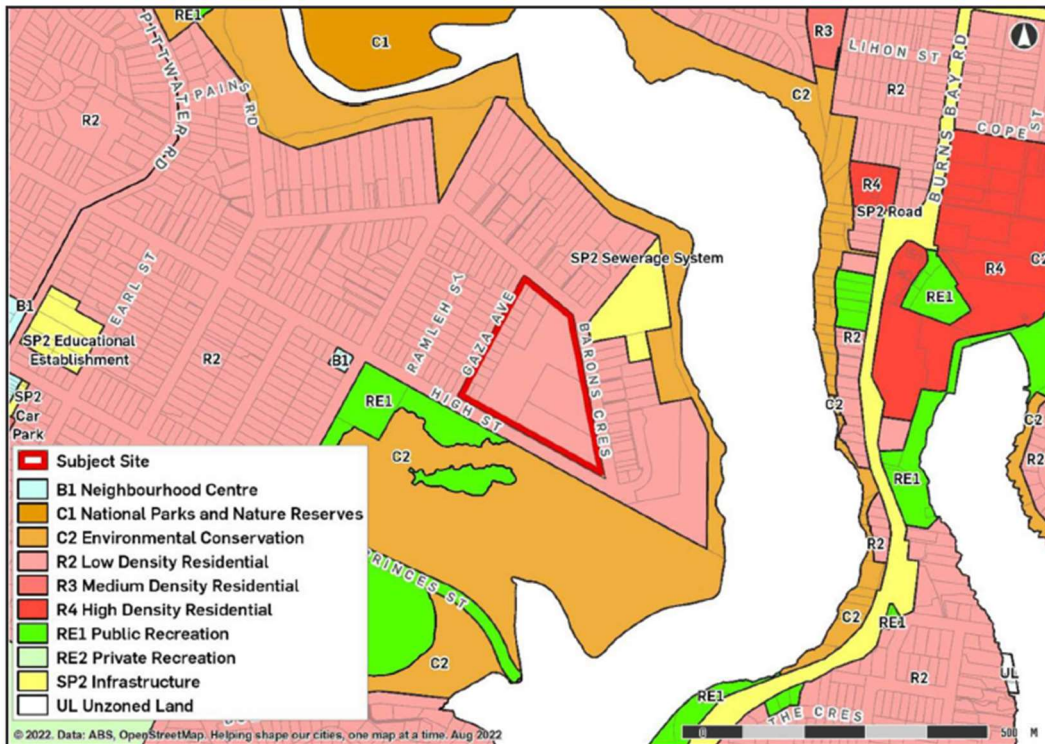


Figure 5 Current zoning map (Source: Urbis, Planning Proposal, Aug 2023)

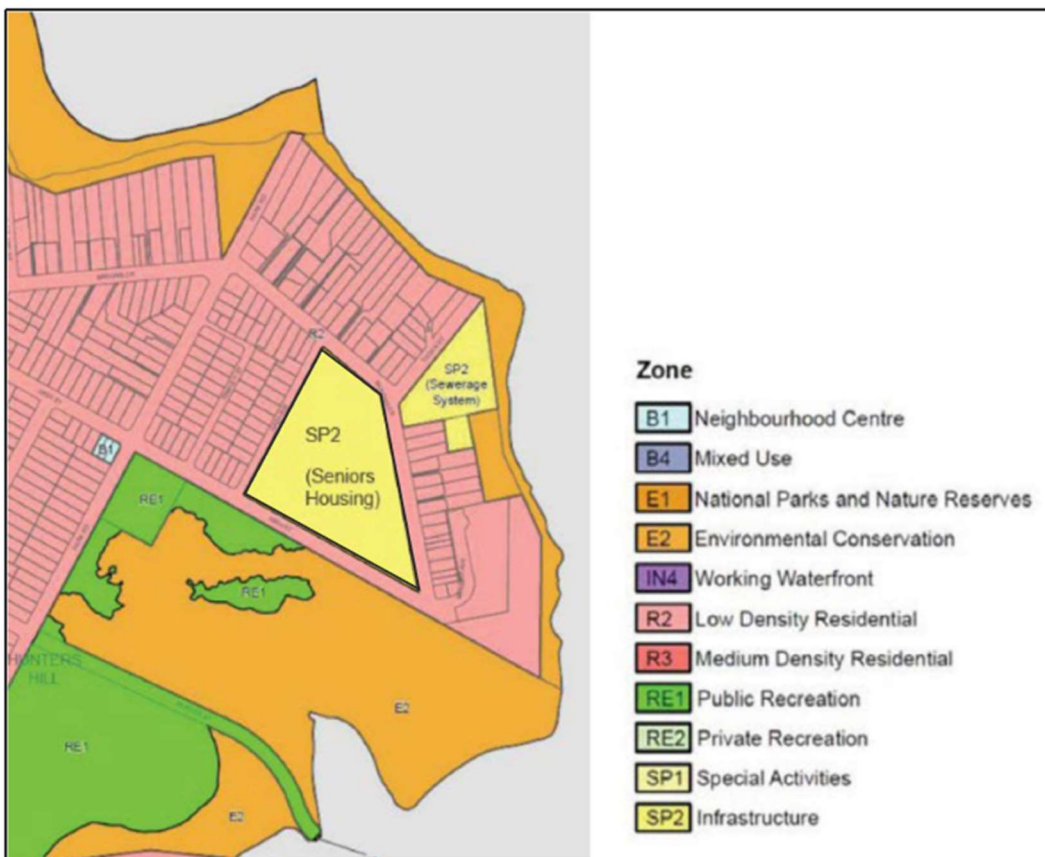


Figure 6 Proposed zoning map (Source: Urbis, Planning Proposal, Aug 2023)



Figure 7 Current height of building map (Source: Urbis, Planning Proposal, Aug 2023)

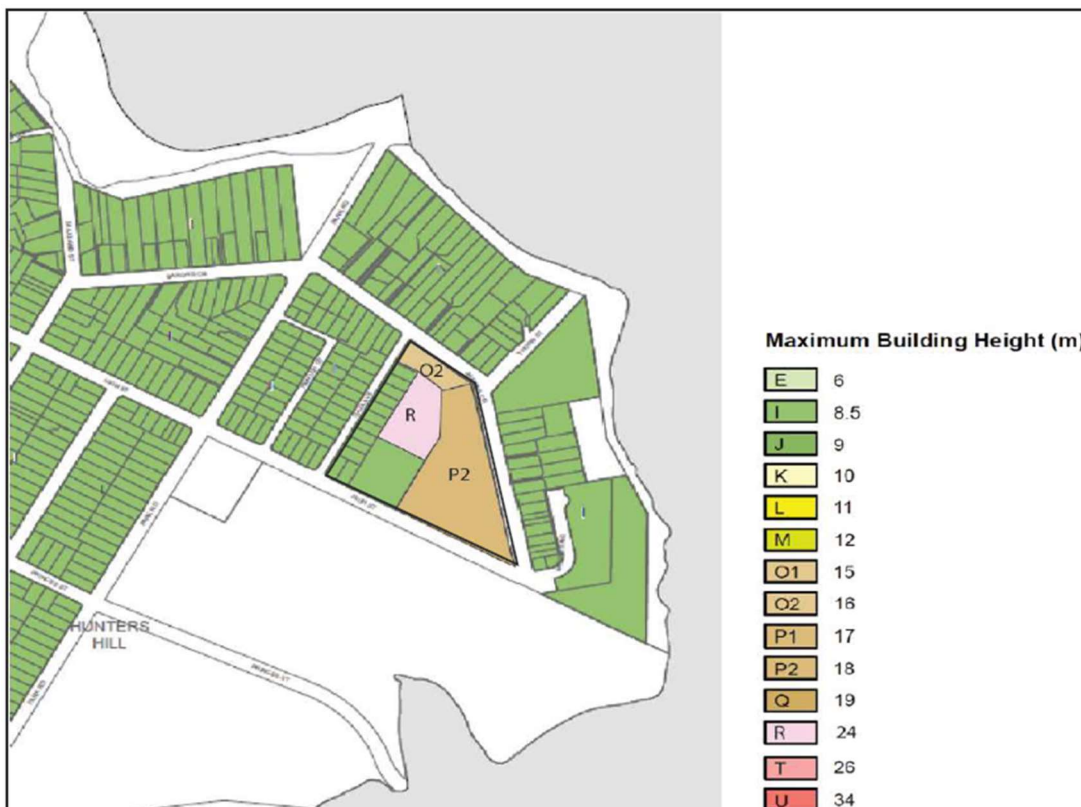


Figure 8 Proposed height of building map (Source: Urbis, Planning Proposal, Aug 2023)

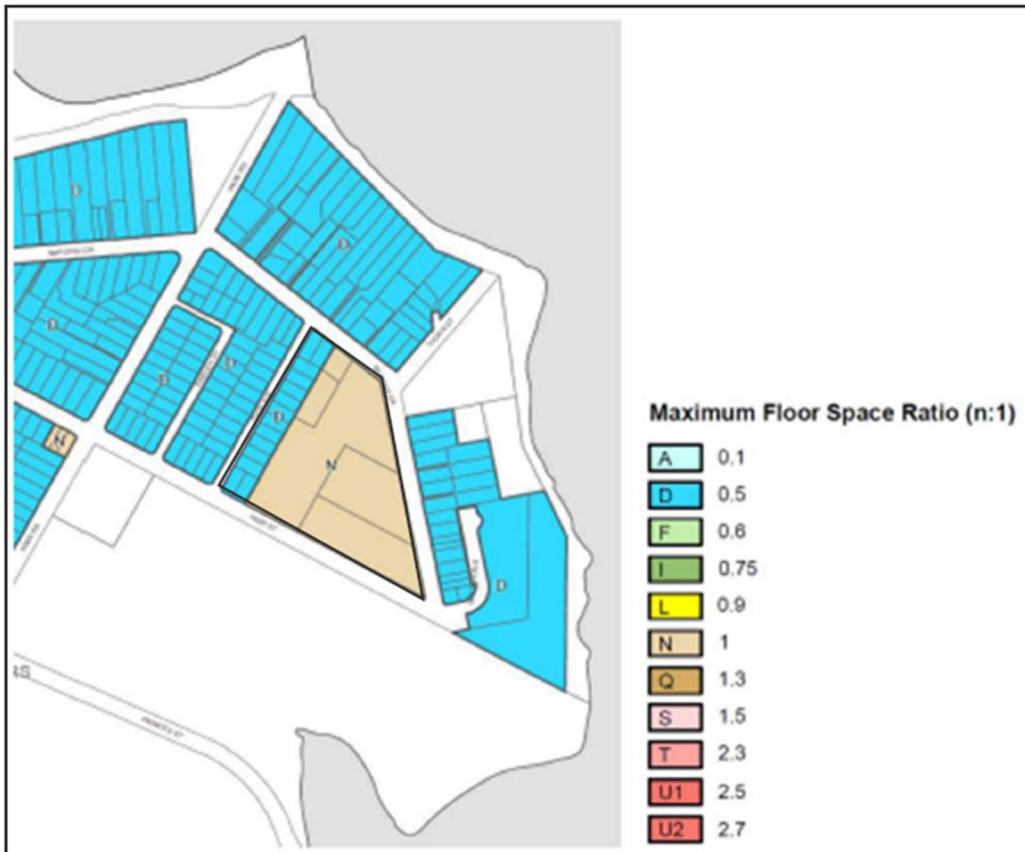


Figure 9 Current floor space ratio map (Source: Urbis, Planning Proposal, Aug 2023)

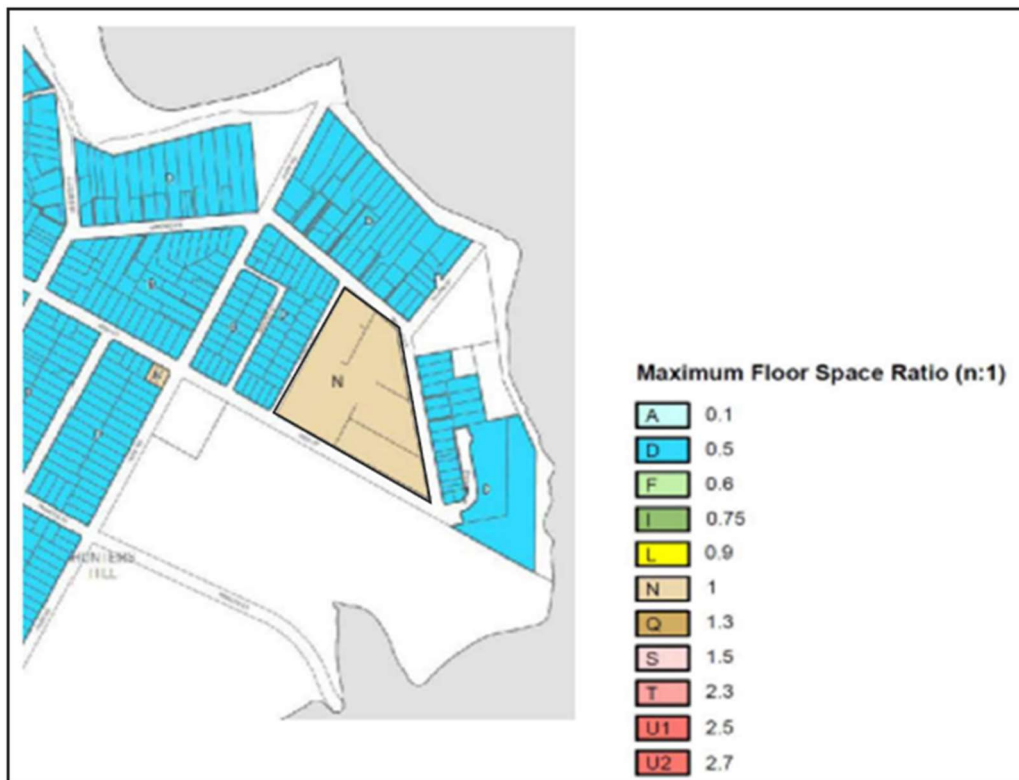


Figure 10 Proposed floor space ratio map (Source: Urbis, Planning Proposal, Aug 2023)



## 1.6 Background

| Date                         | Background event  |
|------------------------------|---|
| early 2021                   | <p>Council adopted its Local Housing Strategy which stated that Montefiore Jewish Care owns a large senior living site with potential to undergo master planning and redevelopment to meet considerable anticipated demand in the area for retirement living. The Strategy identified the Montefiore site as a strategic site and one that can accommodate additional density. In particular, the LHS identified the renewal of the site would assist Council in delivering more seniors living housing, to enable the site to <i>“undergo master planning and redevelopment to meet considerable anticipated demand in the area for retirement living. Other established seniors living sites could also undergo a similar redevelopment....”</i> (Local Housing Strategy, page 33).</p> <p>This resulted in Montefiore engaging with Council’s Strategic Planning Officers, including an on-site meeting and briefing of its ideas for the future development of the site. Council officers originally outlined that they were preparing the necessary amendments to their LEP and DCP to facilitate further housing development in line with the broad direction identified within the Housing Strategy. Council outlined that Montefiore was to be included in Council’s Planning Proposal for its LEP.</p> |
| October 2021 – February 2023 | Montefiore undertook pre-lodgement consultation with the Council and the community.   |
| 26 May 2023                  | Montefiore Planning Proposal was lodged with Council.   |
| 22 June 2023                 | Hunters Hill Local Planning Panel (LPP) considered the proposal, recommending it not progress to Gateway as they considered further analysis of the technical reports was required and that further consultation should occur with the community prior to the application obtaining a gateway determination.  |
| 26 June 2023                 | Council considered the proposal, resolving that a further review of the proposal’s technical reports be undertaken prior to supporting it to go for gateway determination.  |
| 9 August 2023                | An amended planning proposal was lodged addressing the Hunters Hill LPP and Council resolutions, as well as community feedback.   |
| 12 September 2023            | <p>The Planning Proposal was reported to a Council meeting on and recommended by Council staff for the forwarding of the Planning Proposal to the Department of Planning and Environment for consideration, noting it was considered to demonstrate strategic merit, alignment with the NSW planning framework and relevant government priorities, and was consistent with the Council’s LSPS.</p> <p>Council resolved to not support the proposal proceeding to gateway as they did not consider it had strategic or site-specific merit, and that the proposal would have significant impacts on the surrounding community.</p>   |
| 30 October 2023              | Montefiore lodges rezoning review with Department of Planning, Housing and Industry, which was considered by the Sydney North Planning Panel on 18 December 2023.   |
| 19 December 2023             | <p>Sydney North Planning Panel determined that:</p> <ul style="list-style-type: none"> <li>the proposal had strategic and site specific merit and should be submitted for gateway, and</li> </ul>   |

| Date | Background event  |
|------|---|
|      | <ul style="list-style-type: none"> <li>that the Panel appoint itself as the Planning Proposal Authority (PPA) as Council had previously not supported the planning proposal.</li> </ul> |

## 2 Need for the planning proposal

### Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study, or report?

The Hunters Hill Local Strategic Planning Statement (LSPS) was adopted as a planning policy at the Council meeting of 27 April 2020.

The LSPS outlines the 20-year vision for land use in the Municipality of Hunters Hill, and shows how the Greater Sydney Regional Plan and the North District Plan's directions are to be implemented locally. It has considered economic, social and environmental matters for Hunters Hill LGA, along with housing, place making and land supply needs.

The LSPS includes planning priorities and actions, an implementation program and a structure plan that visually shows key directions and principles for the area over the next 20-years.

The Sir Moses Montefiore Jewish Home site is identified in the Hunters Hill Local Housing Strategy as a key strategic site capable of responding to the changing population demographics of the Hunters Hill Local Government Area (LGA), and the need for greater housing diversity reflected by an ageing population.

Accordingly, the Planning Proposal is the result of a local strategic planning statement and strategic study.

### Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Given that the aim of the proposal is for changes to the planning controls for the site, it is considered that a planning proposal is the best means to achieve the objectives and intended outcomes.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan – A Metropolis of Three Cities Regional Plan.

**Table 4 Regional Plan assessment**

| Regional Plan Objectives                                | Justification  |
|---|--|
| Objective 2: Infrastructure aligns with forecast growth | <p>The planning proposal has considered these objectives and identified that the proposal:</p> <ul style="list-style-type: none"> <li>maximises the use of existing infrastructure by co-locating additional seniors housing in the same location as existing seniors housing infrastructure and therefore supporting the longevity of that infrastructure.</li> </ul> |



| Regional Plan Objectives   | Justification   |
|--|---|
| Objective 4: Infrastructure use is optimised   | <ul style="list-style-type: none"> <li>• will deliver a range of seniors housing dwellings that will be connected to local services and infrastructure.</li> <li>• seeks to permit seniors housing within an area of high accessibility to existing cultural, health, transport, and social infrastructure, is entirely appropriate and supports the priority to maximise the use of existing infrastructure.</li> <li>• will deliver seniors housing accommodation to an ageing population supported by new infrastructure investment not only to meet demands from the proposed development, but to enhance the existing services and infrastructure within the existing community.</li> <li>• provides local open space, road and pedestrian infrastructure, including pick-up and drop-off facilities and utilities infrastructure which will also service the existing community.</li> </ul> <p>The assessment of the planning proposal has found it to be consistent with these objectives.</p> |
| Objective 7: Communities are healthy, resilient and socially connected                           | <p>Whilst the planning proposal has not considered this objective, it is considered that this objective is appropriately responded to by the proposal as it will ensure that the broader Hunters Hill community will have increased opportunities to 'age-in-place' supporting the development of a healthy, resilient and socially connected community. Additionally, the co-locating of additional housing on a site already providing seniors housing supports the retention of existing community ties and cohesion.</p> <p>Accordingly, it is considered that this objective has been appropriately responded to for the purposes of gateway determination.</p>  |
| Objective 10: Greater housing supply<br><br>Objective 11: Housing is more diverse and affordable | <p>The planning proposal has considered these objectives and identified that the proposal:</p> <ul style="list-style-type: none"> <li>• will permit new seniors housing dwellings on the site which is supported by existing infrastructure.</li> <li>• will deliver new housing that meets demand for different housing types, price points, and preferred locations to that available in the immediate locality</li> <li>• provide a scale of development which is contextually aligned with the nearby residential neighbourhood.</li> </ul> <p>The assessment of the planning proposal has considered the above and found the proposal to be consistent with these objectives.</p>  |
| Objective 12: Great places that bring people together  | <p>The planning proposal has considered this objective and identified that the proposal has taken a place-based approach to planning, reviewing the actual local characteristics and infrastructure needs of a local place, and proposing mechanisms to secure needed public benefits for the community early, while respecting the desired low-density character of the area.</p> <p>The assessment of the planning proposal has considered the above and found the proposal to be consistent with this objective.</p>   |
| Objective 13: Environmental heritage is identified,  | <p>It is considered that this objective is appropriately responded to by the proposal.</p> <p>The subject site is identified as a Local heritage item, being "Garden, 'Montefiore Home'" within Schedule 5 of the Hunters Hill LEP 2012. The proposal is supported by a Heritage</p>  |

| Regional Plan Objectives                                       | Justification   |
|--|---|
| conserved and enhanced   | <p>Assessment (<b>see Attachment A11</b>) which identifies that the 'Montefiore – Garden' is of heritage significance for its historical, aesthetic, social and representative values.</p> <p>The Cyril Rosenbaum Synagogue is potentially the only existing building located on the site that might be considered as having some overall heritage merit.</p> <p>The report identifies that there are opportunities and constraints that need to be considered as part of the design development of future planning and expansion of the site.</p> <p>Accordingly, it is considered that this objective has been appropriately responded to for the purposes of gateway determination.</p>  |
| Objective 37. Exposure to natural and urban hazards is reduced | <p>An assessment of the planning proposal has identified that the objective is appropriately responded to by the proposal.</p> <p>A flood study has been undertaken for the Hunters Hill Local Government Area (LGA) by GRC Hydro. The flood modelling confirms that the site is not subject to flooding in all storm events up to, and including, the probable maximum flood (PMF) storm event. Shallow flooding from 10mm to 300mm is observed along Gaza Avenue, High Street and Barons Crescent fronting the site in the 1% Annual Exceedance Probability (AEP) and PMF storm events.</p> <p>A Bushfire Assessment prepared by Peterson Bushfire (<b>see Attachment A5</b>) was provided as part of the Planning Proposal. The report confirms the site is within a highly urbanised area and the hazards are confined to urban bushland remnants which are separated from the site.</p> <p>It is considered that this objective has been appropriately responded to for the purposes of gateway determination, subject to a condition requiring consultation during exhibition period with NSW Rural Fire Service.</p> |

## 3.2 District Plan

The site is within the North District and the Greater Sydney Commission released the North 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 planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

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*.

**Table 5 District Plan assessment**

| District Plan Priorities   | Justification  |
|--|--|
| <p>N1. Planning for a city supported by infrastructure</p> <p>N3. Providing services and</p> | <p>The planning proposal has considered these priorities and identified that the proposal:</p> <ul style="list-style-type: none"> <li>• responds to objectives of the Region Plan that infrastructure use is optimised, that infrastructure aligns with growth, and that infrastructure adapts to meet future needs</li> </ul> |

| District Plan Priorities   | Justification  |
|--|--|
| social infrastructure to meet people's changing needs  | <ul style="list-style-type: none"> <li>• maximises the use of existing infrastructure by locating additional seniors housing on site where existing seniors housing infrastructure is located and supporting the longevity of that infrastructure (e.g. sewerage upgrades, road upgrades).</li> <li>• delivers a range of infrastructure and infrastructure upgrades that will support both the proposed seniors residential development but also support the surrounding broader community.</li> <li>• will deliver more diverse housing types and medium density that will create opportunities for older people to continue living in their community, whilst remaining close to family, friends and established health services in the community.</li> <li>• will also cater for additional services on site that will help address care for people with specific needs such as those with dementia and the frail aged.</li> </ul> <p>The assessment of the planning proposal has considered the above and found the proposal to be consistent with these priorities.</p>  |
| N4. Fostering healthy, creative, culturally rich and socially connected communities  | <p>Although not addressed by the planning proposal, it is considered that the proposal responds to this priority for the reasons identified against the assessment of Objective 7 of the Three Cities Regional Plan.</p>   |
| <p>N5. Providing housing supply, choice and affordability, with access to jobs and services</p> <p>N6. Creating and renewing great places and local centres and respecting the District's heritage</p> | <p>The planning proposal has considered these priorities and identified that the proposal:</p> <ul style="list-style-type: none"> <li>• is in the right place to meet demand for different housing types, tenure, price points, preferred locations and design.</li> <li>• will provide greater housing choice and will assist in alleviating the housing pressure faced by the current under supply of available seniors housing dwellings within accessible locations.</li> <li>• allow people to vacate their existing dwellings and downsize from their single dwelling houses to free up these houses for other families.</li> <li>• fulfils the vision for the Local Housing Strategy by creating a built form outcome that responds to the local character and overarching design principles that underpin the Plan.</li> <li>• will deliver 192 direct and 280 indirect construction jobs over two-year development phase and will deliver 177 FTE on-site jobs equating to an estimated employment headcount of around 300 staff.</li> </ul> <p>The assessment of the planning proposal has considered that the proposal is consistent with these priorities.</p> |
| N22. Adapting to the impacts of urban and natural hazards and climate change   | <p>Although not addressed by the planning proposal, it is considered that the proposal responds to this priority for the reasons identified against the assessment of Objective 37 of the Three Cities Regional Plan.</p>  |

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

| Local Strategies                    | Justification   |
|-------------------------------------|---|
| Local Strategic Planning Statement  | <p>The planning proposal supports the Council LSPS as the proposal:</p> <ul style="list-style-type: none"> <li>will facilitate the provision of a residential aged care facility and independent living units to support the aging population of Hunters Hill.</li> <li>will help facilitate additional housing diversity and density which will provide more affordable options for people and allow people to 'age in place' and be supported by their families and the community.</li> <li>Is aligned with the Housing Strategy as it is identified as one of two 'strategic sites for <i>"longer-term opportunities for future housing growth and delivery of in-demand dwelling typologies, including retirement living, aged care and affordable housing."</i> (LHS pg 32)</li> <li>provides a unique opportunity for infrastructure improvements in an existing seniors housing site which will help support community needs and aspirations</li> <li>will help create infrastructure by increasing the density on the site that contributes to providing a caring and safe community that encourages healthy activity whilst creating a strong sense of community.</li> <li>contributes to providing places to develop community interactions.</li> </ul> |
| Hunters Hill Local Housing Strategy | <p>The planning proposal has considered the Local Housing Strategy and identified that the proposal is consistent. Critically, the proposal supports Council's Priority 4 – Encourage compatibility of new housing with existing local character and heritage. The subject site is identified as one of two 'strategic sites for <i>"longer-term opportunities for future housing growth and delivery of in-demand dwelling typologies, including retirement living, aged care and affordable housing."</i></p> <p>The Figures below are from the Local Housing Strategy, where the Montefiore site is identified as a 'case study'.</p>  |



Montefiore Jewish Care facility



Montefiore Jewish Care grounds

**Figure 11 Montefiore Case Study – Local Housing Strategy (source: Hunters Hill Council)**

### 3.4 Local Planning Panel (LPP) and Council

Prior to submission of the rezoning review request, the planning proposal was considered by Council's LPP on 22<sup>nd</sup> June 2023. Whilst the officers' report recommended that the Panel support the planning proposal to be forwarded to the Department for Gateway Determination, the Panel resolved:

1. That the Local Planning Panel does not support sending the Planning Proposal to Gateway Determination.
2. That the Local Planning Panel provides the following advice to Council:
  - i. Preliminary analysis of technical reports is required;
  - ii. Adequate time for assessment of the Proposal by the Local Planning Panel is needed;
  - iii. There is a need for contextual understanding of the impacts of similar aged care sites within the Municipality;
  - iv. A conservation plan to assess the whole site including the garden and synagogue be prepared by an independent heritage expert;
  - v. The Panel recommends wider community consultation prior to gateway determination, including providing information on the process of a Planning Proposal and gateway determination.

Council officers subsequently worked with the proponent to undertake further detailed planning and environmental studies and to make changes to the planning proposal, including:

- Height: A reduction in the numerical maximum building height standard from:
  - 26m to 24m in centre of the site.
  - 18m to 16m in northern part of site.
- Setbacks: An increase in building setback from the boundary adjacent to Barons Crescent from:
  - 7m to 10m at lower levels (ground, first and second level)
  - 10m to 13m at the top level.
- Roof level
  - Insertion of a new roof-top service equipment control within the Draft Site-specific Development Control Plan (Draft DCP) to restrict roof-top plant to 25% of the roof plane.
- Land use mix
  - Clarification regarding the proposed land use mix of residential aged care facilities (RACF) and independent living units (ILUs) for the purposes of assessing the proposal.

Officers subsequently reported the planning proposal back to Council in September 2023 (after an earlier June meeting) recommending that it be submitted to the Department for gateway determination. However, at its meeting on held 12 September 2023, Council resolved to not support the proposal proceeding to gateway. The current planning proposal reflects the updates made as part of further negotiations with Council officers between June and September 2023.

It is noted that the Local Planning Panel recommendation to conduct community consultation pre-gateway determination is not required and would be a duplication of consultation post-Gateway leading to a delay in progressing consideration of the planning proposal.



### 3.5 Sydney North Planning Panel recommendation

The planning proposal was considered by the Sydney North Planning Panel on 18 December 2023 in response to a rezoning review request that identified the proposal had strategic merit for the following reasons:

- The proposal is consistent with the applicable strategic planning documents, particularly as they relate to the general objectives for housing;
- The proposal is consistent with the local housing strategy;
- Delivering housing is a priority issue for Sydney for all levels of Government; and
- Council Officers report noted the proposal *“will contribute to the realisation of strategic planning priorities in Hunters Hill Local Housing Strategy, which is reinforced in the Hunters Hill Local Strategic Planning Statement, which provides firm direction to deliver additional and diverse housing options that allow residents to ‘age in place’ within their communities. The Sir Joseph Montefiore Jewish Home site is capable of responding to the changing population demographics of the Hunters Hill Local Government Area (LGA), and the need for greater housing diversity reflected by an ageing population”*

The planning panel also identified that the site had site specific merit as the site is ideally situated for the proposed redevelopment.

The panel supported the submission of the planning proposal for gateway determination with no changes to the proposal, refer to Rezoning Review Briefing Report (**Attachment F -**) and Rezoning Review Record of Decision (**Attachment H**).

### 3.6 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

| Directions                           | Consistent/ Not Applicable          | Reasons for Consistency or Inconsistency   |
|--------------------------------------|-------------------------------------|--|
| 3.2 Heritage Zones                   | Yes                                 | The Planning Proposal is consistent with the Ministerial Directions and does not seek to remove existing provisions to protect heritage items. The proposal is accompanied by supporting heritage reports (see <b>Attachment A11</b> ) that conclude that the proposal is unlikely to have any detrimental impacts.  |
| 4.3 Planning for Bushfire Protection | Yes, further consultation required. | <p>The proposal has demonstrated that it can be consistent with the Direction, subject to consultation with the RFS.</p> <p>As the planning proposal will result in an overall increase in occupancy numbers (144 ILUs &amp; 194 aged care beds) on the site, engagement with RFS is required to understand whether full compliance with Section 6.4 ‘Planning for Bushfire Protection 2019’ (Special Fire Purpose Developments – SFPD) is ‘practically achievable’.</p> <p>If required, updates are to be made to the planning proposal prior to exhibition to respond to the requirements of the Direction and for a</p> |



| Directions                             | Consistent/ Not Applicable          | Reasons for Consistency or Inconsistency  |
|--|-------------------------------------|---|
|  |                                     | <p>'Special Fire Protection Purpose' consistent with <i>Planning for Bushfire Protection 2019</i>.</p> <p>An appropriate condition is recommended to be applied to the Gateway Determination.</p>   |
| 4.4 Remediation of Contaminated Land   | Yes                                 | <p>The proposal is accompanied by a Detailed Site Investigation (<b>see Attachment A8</b>) which has identified that the site could be rendered suitable for the proposed use, subject to an appropriate remedial / management strategy developed and soils as part of future site work being appropriately handled. These matters can be managed and conditioned appropriately at development application stage.</p>   |
| 4.5 Acid Sulfate Soils                 | Yes                                 | <p>The site is identified as Class 5 Acid Sulfate category list. However, the site is located approximately 300m from Class 2 acid Sulfate soils area. A review of the Acid Sulfate Soils risk map indicates there is no known occurrence of acid sulfate soils as part of the Contamination Assessment report accompanying the planning proposal.</p>  |
| 5.1 Integrating Land Use and Transport | Yes, but further analysis required. | <p>The planning proposal is accompanied by a Transport Impact Assessment (<b>see Attachment A2</b>) that indicates the proposal is capable of meeting the objectives of the Direction based on the assessment of traffic impact on surrounding road network.</p> <p>However, it is not accompanied by a consistency assessment against either the particular objectives of the Direction, or the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul> <p>An appropriate Gateway Condition is included that the planning proposal be updated to address the objectives, application and direction of 5.1 prior to finalisation.</p> |

| Directions            | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency  |
|-----------------------|----------------------------|---|
| 6.1 Residential Zones | Yes                        | <p>Considered consistent, subject to conditions recommended as part of the Gateway Determination for further consultation with the RFS, as the proposal:</p> <ul style="list-style-type: none"> <li>• would facilitate additional seniors housing on the site, in accordance with Council's Housing Strategy;</li> <li>• has demonstrated that existing infrastructure can with augmentation support the proposed seniors housing development on the site; and</li> <li>• is supported by technical assessment demonstrating the site is physically and environmentally capable of accommodating seniors housing including consideration of, heritage, protection of ecology and biodiversity, and consideration of slope, geotechnical and potential contamination constraints.</li> </ul> |

### 3.7 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  | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency   |
|---|--|----------------------------------|---|
| SEPP - Biodiversity and Conservation (2021) | The management and maintenance of existing 'prescribed vegetation' is required prior to issue of development consent.                            | Yes                              | <p>Future development applications will require submission of landscaping and arboricultural assessments demonstrating consistency with the SEPP.</p> <p>Given the existing mature and significant trees on the site, appropriate DCP controls may be required to address tree retention at a development application stage. Any such DCP may also need to include tree canopy coverage targets appropriate with relevant Government Policies and strategies.</p> |
| SEPP – Housing (2021)                       | The objective of the Housing SEPP is to incentivise the supply of affordable and diverse housing in the right places, including seniors housing. | Yes                              | <p>Whilst the planning proposal does not rely upon the provisions within the Housing SEPP, it is noted that the proposal will result in a greater diversity and quality of seniors housing within Hunters Hill and Sydney more widely.</p> <p>The relevant provisions of the Housing SEPP, such as Division 3 Development standards and Division 5 Design requirements will be matters for consideration for any DA for seniors housing development.</p>          |
| SEPP – Resilience and Hazards (2021)        | The object of Chapter 4 (Remediation of land) is to provide for a statewide planning approach to the remediation of contaminated land.           | Yes                              | The planning proposal is consistent with the requirements of the SEPP to consider issues of remediation. Further assessment is provided in the assessment of S9.1 Direction 4.4 Remediation of Contaminated Lands.  |
| SEPP – Sustainable Buildings (2022)         | The object of the Policy is to encourage the design and delivery of sustainable buildings and to ensure consistent assessment.                   | Yes                              | Future development applications will require BASIX and other reporting to demonstrate consistency with the SEPP.  |

## 4 Site-specific assessment

### 4.1 Environmental

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

**Table 9 Environmental impact assessment**

| Environmental Impact | Assessment   |
|----------------------|--|
| Bushfire             | <p>The Proposal, with the subject site being impacted by bushfire prone land (Vegetation buffer) along parts of the southern and eastern boundaries (refer to Figure 12 below) has provided an assessment that addresses the relevant legislative requirements as part of a Planning Proposal, in relation to bushfire protection. This is inclusive of the Ministerial Direction 4.3 &amp; Planning for Bush Fire Protection 2019 (inclusive of Chapter 4 'Strategic Planning' &amp; Chapter 6 'Special Fire Protection Purpose Developments' - SFPPs).</p> <p>The assessment (<b>see Attachment A5</b>) notes that the primary bushfire hazard consists of forest within Boronia Park Reserve to the south and along the Lane Cove River to the east. The report confirms the site is within a highly urbanised area and the hazards are confined to urban bushland remnants which are separated from the site.</p> <p>The report confirms that the rezoning and masterplan do not propose a development outcome with an increased risk profile compared to the existing development. The proposal will reduce the number of more vulnerable aged beds within areas impacted by Asset Protection Zones by replacing these with Independent Living Units housing residents with greater mobility.</p> <p>However, Council's peer review report notes that <i>"The Bushfire Assessment goes on to make comment on the objectives of Section 6.4 PBP 2019. However, these comments will only technically/suitably address the objectives in the context that the development does not include an 'intensification of use or an increase of occupancy'. This is in conflict with the densities described in the Urban Design Report, which suggests a substantial increase in potential occupancy numbers within the site."</i></p> <p>As the proposal seeks to increase the overall occupancy in the existing Special Fire Protection Purpose (SFPP – eg. seniors housing) development, consultation is to be undertaken with RFS to understand whether full compliance is 'practically achievable', and if not, what performance criteria could be considered. An appropriate Gateway condition is included.</p> |

| Environmental Impact     | Assessment  |
|--------------------------|---|
| Heritage and archaeology | <p>The proponent's Heritage assessment (<b>see Attachment A11</b>) has identified that the formal garden is of historical significance as it reflects the establishment of the Montefiore Home on the Hunters Hill site in 1939. Evidence of the garden's early development is featured in the early tree plantings. The Cyril Rosenbaum Synagogue is potentially the only existing building located on the site that might be considered as having some overall heritage merit,</p> <p>The Heritage Assessment also notes that a site investigation, further informed by historical research identified that no buildings have been retained on the site from the 1939 establishment of the residential home, with the original 1939 main courtyard building demolished in c1986. The existing buildings located on the site were predominantly constructed between c1955 to c1990s and have been subject to substantial modifications.</p> <p>The heritage assessment that accompanies the planning proposal provides general guidance to the Master Plan and draft site specific DCP (<b>see Attachment A1</b>).</p> <p>The planning proposal and Master Plan / DCP controls have been designed to minimise impact of the new development on the existing heritage circumstances. This includes appropriate setbacks from heritage curtilage, and design that minimises overshadowing of the heritage garden. Further refinement of heritage considerations will also be further addressed at DA stage.</p> <p>The proposal is also accompanied with a baseline archaeological assessment, which is appropriate for a planning proposal and can be considered in further detail at DA stage.</p> |
| Built form and Density   | <p>The planning proposal is supported by an urban design report (<b>see Attachment A3</b>) and landscape concept (<b>see Attachment A13</b>) which includes a structure plan to illustrate a framework for the future built form anticipated for the site (including vehicular access, development blocks, open space and buildings).</p> <p>From the information provided, it is apparent that the intended building typology reflects the intended strategic response for the site to support a diverse seniors housing development which enables 'aging in place' and supports social connection and facilities.</p> <p>The proposal is accompanied by a draft site-specific DCP (<b>see Attachment A1</b>), which includes proposed detailed controls relating to the masterplan, building envelopes and setbacks, landscape and public domain, parking and vehicular access, architectural expression and heritage. Given the size of the site and complexity, site-specific DCP controls will be important to ensure delivery of a high-quality development.</p> <p>Whilst the progression of the DCP is a matter for Council, a condition has been included on the Gateway that that requires exhibition of the site-specific DCP with the planning proposal.</p> <p>This provides greatest certainty of a coherent overall development assessment process should Council not be able to finalise DCP controls, as the proponent could then submit a Concept Development Application as an appropriate substitute.</p>   |

| Environmental Impact           | Assessment  |
|--------------------------------|---|
| Overshadowing and solar access | <p>The design of the masterplan accompanying the application has located increased building heights within the centre of the site plus a significant setback from surrounding existing dwellings to ensure the proposal retains and reinforces the local character of existing low-density housing within the adjacent urban area. This also ensures that the new development will not result in inappropriate overshadowing on surrounding properties and will maintain appropriate solar access.</p> <p>The overshadowing analysis of the proposal is contained within the Urban Design Report and masterplan (<b>see Attachment A3</b>). This analysis clearly shows that no shadows from the future development will fall outside the subject site at the winter equinox, June 21<sup>st</sup>.</p> |

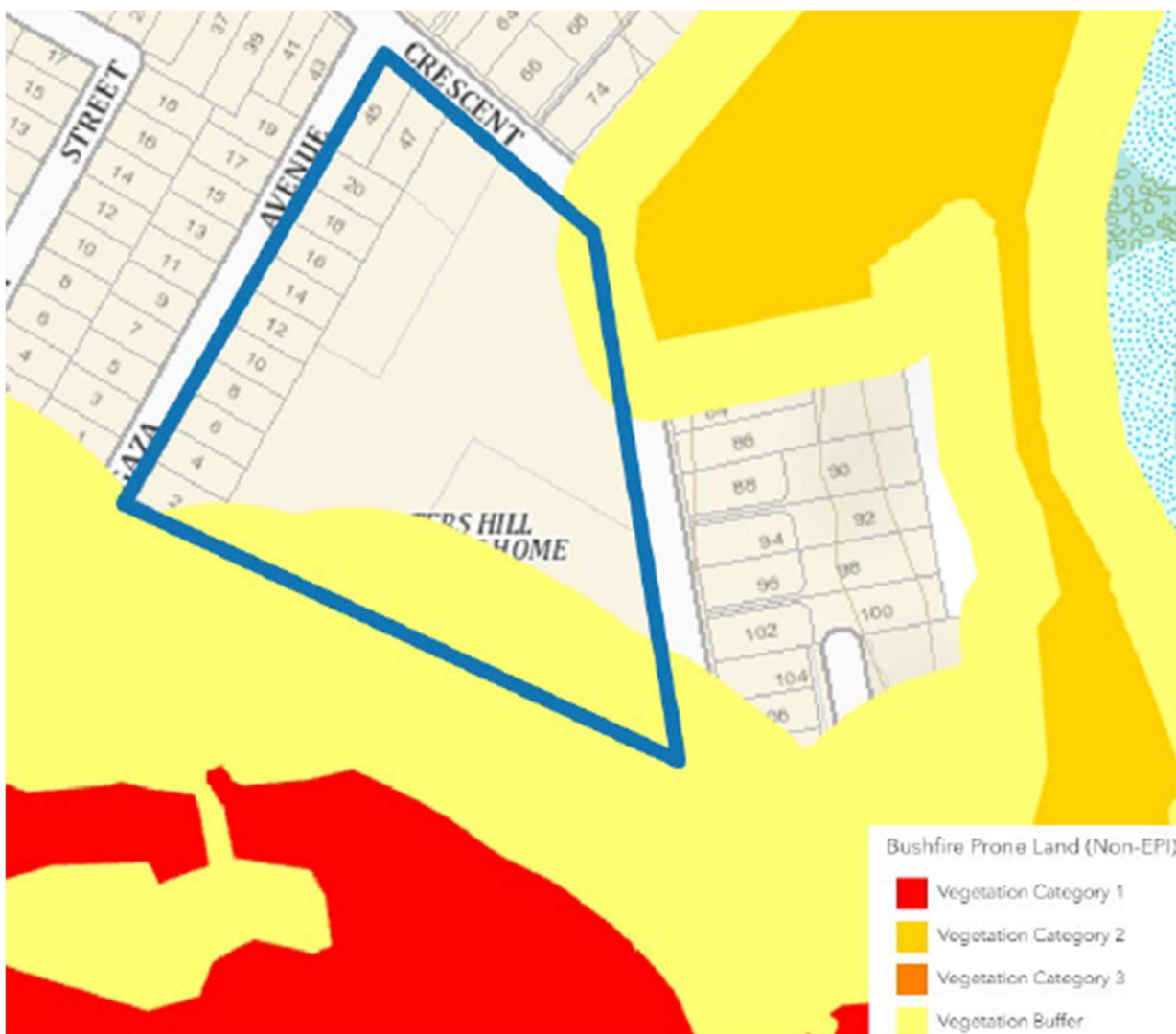


Figure 12 Bushfire planning map (source: NSW Planning Portal)





| Social and Economic Impact | Assessment  |
|----------------------------|---|
|                            | housing, noting that the subject site has also been identified as a strategic location to help achieve this.  |
| Economic                   | <p>The application is accompanied by an Economic Impact Assessment that outlines a range of economic benefits associated with the development, including:</p> <ul style="list-style-type: none"> <li>Delivering 192 direct and 280 indirect construction jobs to New South Wales over the two-year development phase</li> <li>Contributing \$151.8 million in direct and indirect value added to the New South Wales economy over the two-year development phase</li> <li>Supporting a FTE of 177 on-site jobs, equating to an estimated employment headcount of around 300 staff, through the ongoing operations of the expanded facility.</li> </ul> <p>It is noted that once development is completed there will be a slight reduction in local employment due to reduced aged care beds, with independent living units generally requiring a much lower on-site staff ratio. However, this is likely to be offset to some extent by benefits associated with increasing the supply of housing in Hunters Hill LGA which facilitates independent living for older residents whilst on the same site as allied health facilities.</p> |

## 4.3 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 11 Infrastructure assessment**

| Infrastructure        | Assessment  |
|-----------------------|---|
| Traffic and Transport | <p>A Transport Impact Assessment (TIA) (<b>see Attachment A2</b>) has been prepared assessing the potential transport impacts of the proposed development, including consideration of the following.</p> <ul style="list-style-type: none"> <li>Existing transport and traffic networks serving the site and travel behaviours associated with land uses.</li> <li>The traffic-generating characteristics of the proposed development and trip distribution.</li> <li>The transport and traffic implications of the proposed development and mitigation measures required to support the redevelopment.</li> </ul> <p>There is one bus service that services the site and connects to both Gladesville and Woolwich at a minimum of one every hour. In addition, Montefiore runs a shuttle service during the week to support visitors to the site and for residents. There are no cycling connections, but good walking connections to Boronia Park Reserve and Boronia Park local centre.</p> <p>The TIA report concludes that the development will have negligible impact on the surrounding road network, and there is sufficient parking on site for future residents,</p> |

| Infrastructure | Assessment   |
|----------------|--|
|                | <p>likely reducing parking demand on the local street network compared to the current circumstances.</p> <p>However, a Gateway condition is proposed to update the planning proposal to demonstrate consistency with the wider objectives and principles of the planning Direction including public transport and walking to assist in reducing travel demand and car trips.</p> |
| Utilities      | Any future development may require utility services to be upgraded and/or augmented to enable the intended development to be accommodated. As the planning proposal would intensify development on the site, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination.  |

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a complex proposal under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

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

- NSW Rural Fire Service
- Transport for NSW
- Sydney Water
- Ausgrid
- Jemena

## 6 Timeframe

The proponent proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as complex

The Department recommends an LEP completion date of 5 May 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for the relevant planning authority in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

The planning proposal has been the subject of a rezoning review. Council cannot request delegation to be the Local Plan-Making Authority (LPMA) as it is not the Planning Proposal Authority (PPA).

The Sydney North Planning Panel does not request delegation to be the Local Plan-Making authority.

The Department recommends that the Planning Panel not be authorised to be the local plan-making authority for this proposal. Due to the complexities involved with this planning proposal, the Department will be the Local Plan Making Authority.

## 8 Assessment summary

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

- The proposal is consistent with the applicable strategic planning documents, particularly as they relate to the general objectives for housing;
- The proposal is consistent with the Hunters Hill Local Housing Strategy and Local Strategic Planning Statement;
- Delivering housing is a priority issue for Sydney for all levels of Government; and
- Council Officers report noted the proposal *“will contribute to the realisation of strategic planning priorities in Hunters Hill Local Housing Strategy, which is reinforced in the Hunters Hill Local Strategic Planning Statement, which provides firm direction to deliver additional and diverse housing options that allow residents to ‘age in place’ within their communities. The Sir Joseph Montefiore Jewish Home site is capable of responding to the changing population demographics of the Hunters Hill Local Government Area (LGA), and the need for greater housing diversity reflected by an ageing population”*.

## 9 Recommendation

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

The following conditions are recommended to be included on the Gateway determination:

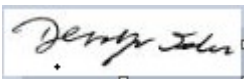
1. The planning proposal is to be updated prior to community consultation to:
  - i. Carry out consultation with the RFS to inform the planning proposal so that it addresses the potential overall increase in occupancy numbers on the site and can demonstrate the ability to achieve compliance with the relevant performance criteria in Section 6.4 in ‘Planning for Bushfire Protection 2019’.

The planning proposal is to be updated to address the consistency with Section 9.1 Direction 4.3 Planning for Bushfire Protection and demonstrate justification for the planning proposal.

  - ii. Address consistency with 9.1 Direction 5.1 – Integrating Land Use and Transport through an assessment against the objectives of Direction and the aims, objectives and principles of:
    - a. Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
    - b. The Right Place for Business and Services – Planning Policy (DUAP 2001).

- iii. Include an updated timeline based on the issuing of the Gateway determination.
2. Prior to community consultation, the planning proposal is to be revised to address the above conditions and forwarded to the Department for review and approval.
3. That the site-specific development control plan (DCP) be exhibited with the planning proposal.
4. Consultation is required with the following public authorities:
  - NSW Rural Fire Service (RFS)
  - Sydney Water
  - Ausgrid
  - Jemena
  - Transport for NSW
5. As considered a complex planning proposal it should be made available for community consultation for a minimum of 30 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise an LEP completion date of 5 May 2025 be included on the Gateway.



18/04/24

Derryn John

Manager, Metro North



23/04/20204

Brendan Metcalfe

Director, Metro North