

ITEM NO	: 1.1
SUBJECT	: MONTEFIORE PLANNING PROPOSAL
STRATEGIC OUTCOME	: NEIGHBOURHOODS REFLECT LOCAL CHARACTER, HERITAGE AND CREATE A SENSE OF BELONGING
ACTION	: IMPLEMENT RECOMMENDATIONS FROM THE LOCAL STRATEGIC PLANNING STATEMENT (LSPS)
REPORTING OFFICER	: STEVE KOUREPIS

Ref:659856

PURPOSE

The purpose of this report is to provide Council with further information and recommendation following previous assessment and recommendation on the merits of Planning Proposal (PP-2023-1109) and associated site-specific Development Control Plan, as reported to Council's Ordinary Meeting 4521 held 26 June 2023.

The proposed changes enacted by the Planning Proposal seek to assist in implementing the relevant priorities and actions of the Hunters Hill Local Strategic Planning Statement (HHLSPS) in relation to the provision of services and facilities to meet the needs of an ageing population through the provision of additional diversity in housing.

RECOMMENDATION

That Council supports the recommendations set out below:

- (A) Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*, with the following amendments to *Hunters Hill Local Environmental Plan 2012* (Hunters Hill LEP):
- (i) Amend Hunters Hill LEP Land Zoning (LZN) Map to rezone land at 116-120 High Street, 2-20 Gaza Avenue and 45-47 Barons Crescent from R2 Low Density Residential to SP2 Infrastructure (Seniors Housing).
 - (ii) Amend Hunters Hill LEP Height of Building (HOB) Map to increase the maximum building height control across the site from 8.5m to part 16m and part 24m.
 - (iii) Amend Hunters Hill LEP Floor Space Ratio (FSR) Map to increase the maximum permissible FSR from 0.5:1 to 1:1 for land at 116-118 High Street, 2-20 High Street and 45-47 Barons Crescent. Land at 49-50 Barons Crescent will remain at

an FSR of 1:1.

- (B) Subject to (A) above, Council endorse for public exhibition the Planning Proposal as outlined in (A).
- (C) Council endorse the draft site-specific Development Control Plan provisions being placed on public exhibition with the draft Planning Proposal.
- (D) Note that following public exhibition the Planning Proposal and site-specific Development Control Plan will be reported back to Council detailing the outcome of the public exhibition period at which time Council may resolve:
 - (1) To proceed as recommended in this report.
 - (2) To proceed with amended controls in the Planning Proposal and Development Control Plan to that exhibited.
 - (3) To not proceed with the Planning Proposal and Development Control Plan.
- (E) Delegate authority to the General Manager to make amendments to the Planning Proposal and Development Control Plan that:
 - (1) Are minor and do not alter the intent,
 - (2) Are required in order to comply with the Gateway Determination; or
 - (3) Are made to address matters raised within the review and detailed assessment of technical reports supporting the Planning Proposal as included within the Attachments to this report.

BACKGROUND

This report considers a request from Sir Moses Montefiore Jewish Home (the Proponent) for amendments to *Hunters Hill Local Environmental Plan 2012* (Hunters Hill LEP). Hunter's Hill Council should review and update its planning framework to ensure it continues to deliver on strategic priorities and is responsive to community needs. Under the *Environmental Planning and Assessment Act 1979* Hunter's Hill Council has an obligation to consider and act upon requests by landowners to change planning controls for their site.

The Planning Proposal prepared outlines the request from the Proponent. The Planning Proposal is the first stage in the Proponent's desire for redevelopment of the site, informed by a masterplan which accompanies the Planning Proposal documentation.

The Planning Proposal will contribute to the realisation of strategic planning priorities in Hunters Hill Local Housing Strategy, which is reinforced in Hunters Hill Local Strategic Planning Statement (LSPS), which provide a firm direction to deliver additional and diverse housing options that allow residents to 'age in place' within their communities. 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.

The amendment of building height and density controls that apply to the site will facilitate the delivery of additional housing and has planning merit. Accordingly, the Planning Proposal is well-placed to deliver additional seniors housing in an area already established for this land use. The Proposal is consistent with the objectives and actions of the Greater Sydney Region Plan and the North District Plan.

This matter was previously reported to Council's Ordinary Meeting 4521 held 26 June 2023. At this meeting Council Resolved:

- (A) That Council receive and note the Planning Proposal – Sir Moses Montefiore Jewish Home, Hunters Hill.
- (B) That further review and detailed assessment of the following technical reports supporting the Planning Proposal be undertaken:
 - (i) Arboricultural Assessment prepared by Arterra Design dated 2 February 2023;
 - (ii) Baseline Archaeological Assessment prepared by Urbis dated 19 November 2021;
 - (iii) Bushfire Assessment prepared by Peterson Bushfire dated 18 May 2023;
 - (iv) Community Needs Assessment prepared by Urbis dated 25 May 2023;
 - (v) Detailed Site Investigation prepared by Aargus dated 30 September 2022;
 - (vi) Economic Impact Assessment prepared by Urbis dated February 2023;
 - (vii) Heritage Assessment and Opportunities and Constraints prepared by Urbis dated November 2021;
 - (viii) Landscape Concept Report prepared by Oculus dated February 2023;
 - (ix) Services Infrastructure Report prepared by Stantec dated 9 September 2022; and
 - (x) Transport Impact Assessment prepared by Urbis dated 30 January 2023; and
 - (xi) Urban Design Report prepared by Jackson Teece dated February 2023.
- (C) That subject to (B), a report be prepared for Council's consideration on the outcomes of the assessment of the Planning Proposal and future directions to amend Hunters Hill LEP.
- (D) That Council receive and note the recommendations of the Hunters Hill Local Planning Panel provided at their meeting of 22 June 2023.

- (E) Subject to (B) and should Council consider the Montefiore Planning Proposal to have strategic and site-specific merit, a community consultation meeting be held at the commencement of the public exhibition and assessment phase providing the community with adequate notice to the community.

In addition to the above, on 9 August 2023 the Proponent lodged an updated suite of documentation in relation to this Planning Proposal. The Proponent has described that this updated documentation has been lodged in consideration of several matters raised by Council and the Community that the proponent has sought to clarify and address in the Planning Proposal documentation. The Proponent has explained that the response to these matters provides an increased level of regulation across the site, including a reduction in the potential impacts arising from any future development application (DA).

These amendments to the Proposal include:

- A reduction in the numerical maximum building height standard,
- An increase in building setback from the boundary adjacent to Barons Crescent,
- Insertion of a new roof-top service equipment control; and
- Clarification regarding the proposed land use mix of residential aged care facilities (RACF) and independent living units (ILUs).

The above information was supplied to all consultants undertaking specialist review of the Planning Proposal documentation in accordance with Item B of Council's Resolution in relation to this matter at its Ordinary Meeting of 26 June 2023.

In consideration of specialist reviews undertaken in accordance with Council's Resolution in relation to this matter at its Ordinary Meeting of 26 June 2023 and legal opinion supplied to Council in relation to the application of the SP2 Infrastructure zone, it is considered that the Planning Proposal is adequate with regard to the current stage of the planning proposal process. Subsequently, this report recommends the Planning Proposal be forwarded to the Department of Planning and Environment (DPE) for a Gateway Determination and subsequent community consultation.

DISCUSSION

Site Description

The site is bound to the south (front) by High Street, to the north and east by Barons Crescent (side and rear) and to the west by Gaza Avenue (side), with the main access from High Street and a secondary access from Barons Crescent (refer to Figure 1 below).

The site is identified as a Local heritage item, being "Garden, 'Montefiore Home'" within Schedule 5 of the Hunters Hill LEP.

The land to which the Planning Proposal relates is made up of the following multiple individual land parcels:

Figure 1

Address Allotment	Address Allotment
120 High Street, Hunters Hill	<ul style="list-style-type: none"> — Lot 2 DP312298 — Lot 9 DP 724017 — Lot 10 DP 724017 — Lot 1 DP325793 — Lot 2 DP325793
118 High Street, Hunters Hill	— Lot 63 DP 161119
116 High Street, Hunters Hill	— Lot 62 DP 161119
2 Gaza Avenue, Hunters Hill	— Lot 61 DP 16119
4 Gaza Avenue, Hunters Hill	— Lot 60 DP 16119
6 Gaza Avenue, Hunters Hill	— Lot 59 DP 16119
8 Gaza Avenue, Hunters Hill	— Lot 58 DP 16119
10 Gaza Avenue, Hunters Hill	— Lot 57 DP 16119
12 Gaza Avenue, Hunters Hill	— Lot 56 DP 16119
14 Gaza Avenue, Hunters Hill	— Lot 55 DP 16119
16 Gaza Avenue, Hunters Hill	— Lot 54 DP 16119
18 Gaza Avenue, Hunters Hill	— Lot 53 DP 16119
20 Gaza Avenue, Hunters Hill	— Lot 52 DP 16119
47 Barons Crescent, Hunters Hill	— Lot 51 DP 16119
45 Barons Crescent, Hunters Hill	— Lot 50 DP 16119

Table 1: Summary of Landholdings (Source: Planning Proposal – URBIS)



Figure 1: Aerial view of the site and surrounding context (Source: Planning Proposal - URBIS)

Existing and Proposed Planning Controls

A description of the existing and proposed planning controls associated with the Proposal were detailed within the report to Council's Ordinary Meeting of 26 June 2023. In addition, as detailed previously within this report, Council has received updated planning proposal documentation following Council's previous consideration of this matter at its Ordinary Meeting of 26 June 2023. Key changes as a result of this update as advised by the Proponent include:

- 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

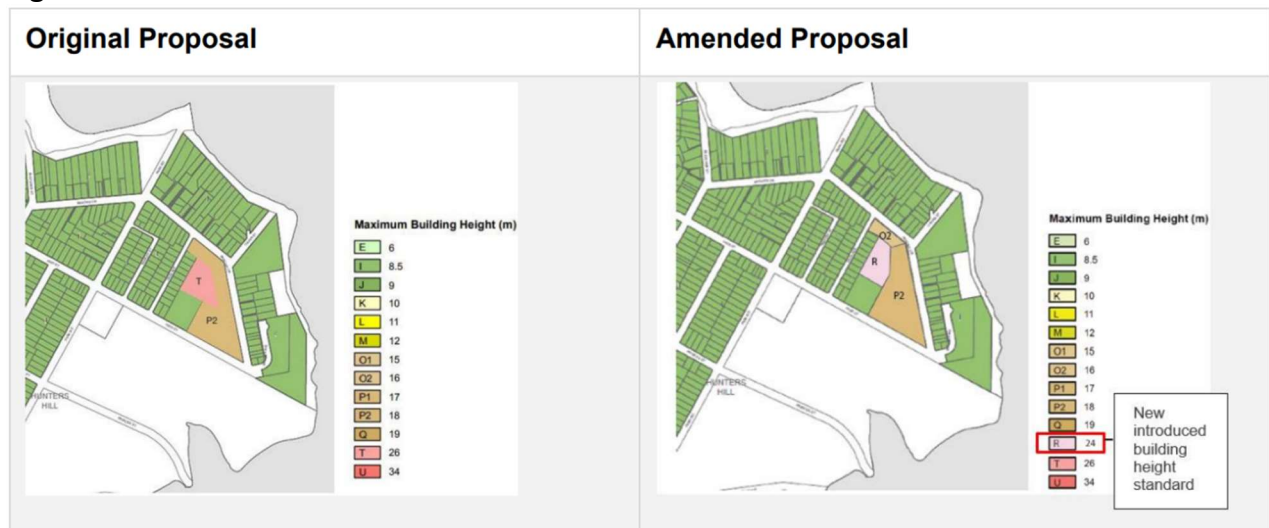
- Insertion of a new roof-top service equipment control within the Draft Site-specific Development Control Plan (Draft DCP) to restrict roof-top plant to 25% of the roof plane.
- Land Use Mix
- Clarification regarding the proposed land use mix of residential aged care facilities (RACF) and independent living units (ILUs) for the purposes of assessing the proposal.

These updates, as advised by the Proponent, are discussed further under the headings below.

Reduction in Building Height

The amendments seek to reduce the proposed maximum numerical building heights within the LEP. Originally, the applicable numerical building heights for the site were selected on the basis of the available height categories contained in the map legend of the LEP. A detailed analysis of the building locations and height contemplated within the Site Masterplan (including appropriate allowances for the varying topography of the site, floor-to-floor heights and roof top plant) has identified that the numerical heights of certain buildings can be reduced in terms of how they are represented on the LEP map. This has involved introducing a new (reduced) 24m height control to the mapping legend and reducing the footprint of the area that previously applied to this upper height control. It has also involved reducing a portion of the site (previously identified as 18m) to 16m. These changes are shown in Figure 2 below.

Figure 2



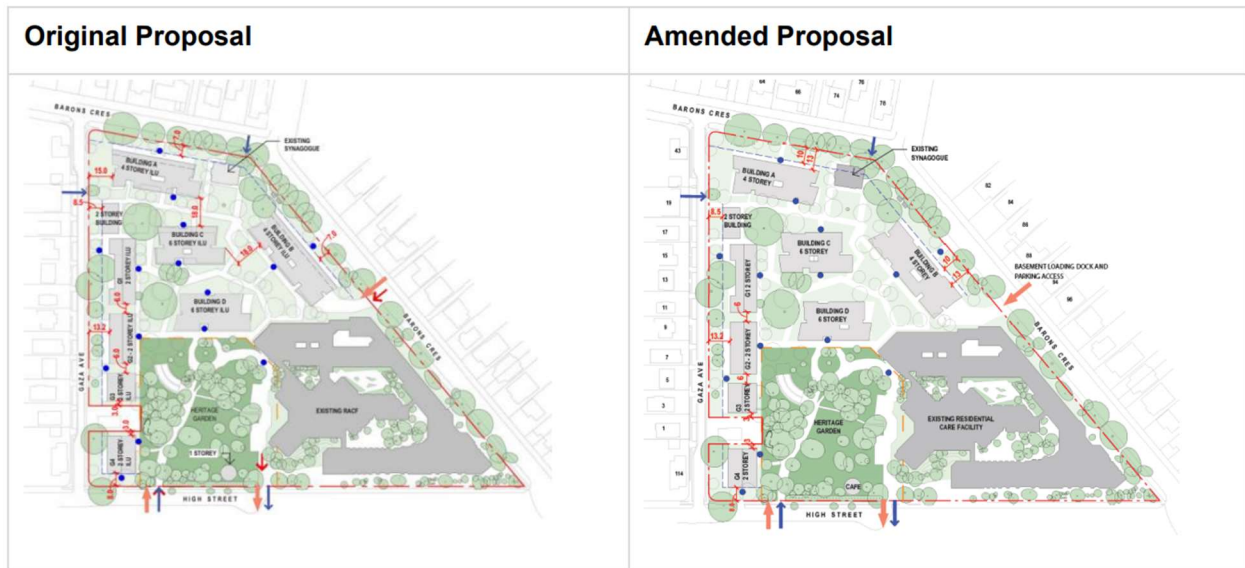


Figure 2: Key Plan Changes

The proponent has advised that criticism has been received at the prospect of a future DA including a greater number of storeys than expressed within the ‘maximum number of storeys’ control identified in the Draft DCP. Further to this the proponent has advised that it is hoped that this added degree of regulation within the LEP will provide greater certainty for Council and the Community, and that the rationale of the Site Masterplan will be translated within a future DA.

Increase in setback from Barons Crescent

The proposed amendments to the Draft DCP seek to increase the setback requirement for the 4- storey buildings (Buildings A and B) from the Barons Crescent boundary (from 7m) to 10m at lower levels and (from 10m) to 13m at the top level.

The Proponent has advised that the reason the setbacks are being increased from Barons Crescent is to minimise the perceived height, bulk and scale from neighbouring residential properties, allow increased opportunity for landscaped setbacks, and to further relate to the low-density character adjoining this part of the site.

Roof-top Servicing Equipment Control

An additional control has been inserted into the Draft DCP to restrict the area of the roof-top plant to 25% of the roof plane.

The Proponent has advised that the purpose of this control is to further address the perception that this level would include accommodation. The Proponent has further advised that concert with the ‘maximum number of storeys’ control, this control seeks to provide added regulation that the roof-top level contains plant and services and/or lift overruns (and not an additional level of accommodation), and also to reduce the scale of this roof-top level by limiting it to occupy a maximum of 25% of the roof surface area. The proposed Draft DCP control is:

Plant and servicing equipment on the roof of a building (including lift overruns) are to be fully integrated into the design of the building and are limited to an area of no more than 25% of the surface area of the roof.

Future Land Use Mix

The Proponent has advised that the intention of the Planning Proposal as outlined in the Masterplan is to retain the predominant residential aged care facility (RACF) on the site. The proponent has also advised that there may be some parts of the northern wing of the RACF that may need to be demolished or repurposed to accommodate the integrated care and accommodation model that Montefiore is seeking on the site and that there may also be the opportunity of some residential aged care beds and/or communal services being located in Buildings C and D. However, the proponent has advised this final mix is the subject of further internal analysis from Montefiore and detailed design that will be included in a future DA and that the planning proposal is simply seeking to establish the form of various buildings on the site for seniors housing.

Review and Detailed Assessment of Technical Reports Supporting the Planning Proposal

In accordance with Council's Resolution of 26 June 2023 in relation to this matter, Planning Proposal documentation (and updated Planning Proposal documentation as discussed above) has been referred for further review and detailed assessment. A summary of the findings of these reviews are presented within the table below. A full copy of each review is also provided within the Attachments to this report.

Details of the strategic alignment (strategic merit) of the Proposal was outlined within the report to Council's Ordinary Meeting of 26 June 2023. This report detailed that the Planning Proposal has been prepared in alignment with the strategies and plans prepared under the *Environmental Planning and Assessment Act 1979*, including Greater Sydney Region Plan (A Metropolis of Three Cities), the North District Plan, and the Hunters Hill Local Strategic Planning Statement and Local Housing Strategy. The previous Council report also outlined the consistency of the proposal with Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Site analysis and requirements (considering site specific merit of the Proposal) was also discussed within the report to Council's Ordinary Meeting of 26 June 2023. This previous consideration of site-specific merit is further informed by the review and detailed assessment of technical reports supporting the Planning Proposal included within the Attachments to this report. Matters raised within these specialist reviews should be addressed within the Planning Proposal documentation. This process can occur following Gateway Determination, but prior to public exhibition as outlined within DPE's Local Environmental Plan Making Guideline.

Summary of findings from review and detailed assessment of technical reports supporting the Planning Proposal

Specialist Review	Summary of Findings
Arboricultural Assessment and Landscape Concept Report	<p>Height of buildings – there is concern regarding the Proposal in terms of the increase in building heights.</p> <p>The Report provides shadow diagrams illustrating over shadowing on the 21 June based on the block massing model. The shadowing of proposed buildings has the potential to impact the site’s existing trees and significant landscape spaces including the northern end of the Heritage Garden. In addition, shadowing may potentially impact the growth and development of new landscaping.</p> <p>Impact on streetscape amenity – Land surrounding the site is zoned for low density residential purposes and has a maximum building height of 8.5m. There is concern regarding the increase in maximum building height from the current 8.5m to 16m and 24m on the amenity of the surrounding residential areas (west, north and east of the site).</p> <p>To further enhance the Development Control Plan, additional tree and landscaping controls are also recommended as detailed within the review.</p> <p>In relation to tree management, additional recommendations are made with regard to:</p> <p>High Value Trees - Trees planted as tributes/memorials within the site should be retained and protected.</p> <p>Barons Crescent Street Trees - The street trees located along Barons Crescent are considered high value specimens and should be retained and protected.</p> <p>Moderate Value Street Trees - A staged replacement strategy should be prepared for Monterey Pines with the replacement species respecting their heritage value.</p> <p>Canopy Protection - To fully understand the interaction between new buildings and existing trees, point cloud technology should be used to demonstrate adequate setbacks from the canopies of exiting trees and ensure minimal impact.</p> <p>Arboricultural Impact Assessment - The Preliminary Assessment does not provide a detailed assessment of the impact of the proposed works on the site’s tree population. An Arboricultural Impact Assessment & Tree Protection Plan should be prepared as detailed within the review.</p>

	<p>Soil Remediation - The impact of removal of contaminated soils should be addressed as part of the Arboricultural Impact Assessment.</p> <p>Services - The impact of new utility infrastructure should be addressed as part of the Arboricultural Impact Assessment.</p> <p>Bushfire Vegetation Management and Landscaping - Any impact to the existing trees due to bushfire requirements must be addressed within the Arboricultural Impact Assessment.</p> <p>Setbacks - Setbacks are generally considered acceptable for new tree planting.</p> <p>Canopy Cover - It is recommended that the design provide a minimum 30% canopy cover across the site, provided by existing trees and new trees that will reach a minimum height of 10 metres.</p> <p>Heritage –</p> <ul style="list-style-type: none"> ▪ New planting should complement the circa-1939 establishment of the home and be layered to assist in providing a well landscaped setting for new development. ▪ Further detailed resolution of Building D should be undertaken specifically to ensure satisfactory solar access is permitted on the Montefiore Garden and the health of this Garden is maintained given its heritage value. ▪ A detailed Landscape Plan should be prepared to further augment the landscaped setting of the Montefiore Garden. ▪ Any future development on the site that bounds the identified heritage Montefiore Garden could mitigate the impact of mass and overshadowing of the garden by utilising design devices such as terracing levels above ground floor and through articulation of the façade. <p>On-Structure Planting - For all areas of on-structure planting minimum soil standards for plant sizes should be provided in accordance with the NSW Government, Apartment Design Guide (2015).</p> <p>Boronia Park Reserve - An opportunity exists to create a visual connection between the site and the Reserve by using species endemic to the Reserve along the south-eastern boundary of the site.</p> <p>Street Tree Planting - An opportunity exists for street trees to be planted along Gaza Avenue.</p>
--	---

	<p>Ficus macrophylla (Moreton Bay Fig) - The proposal to construct a paved courtyard at the base of the Moreton Bay Fig within the site is not supported.</p> <p>Weed Management - The development of a weed management program would be required prior to commencement of any development with additional maintenance to reduce further infestation.</p> <p>Maintenance Period - All planting must be maintained by a qualified Horticulturist or Arborist (minimum AQF Level 3) for a minimum period of 2 years.</p>
Baseline Archaeological Assessment	<p>Comments raised within this review include:</p> <p>Absence of photographs of the location of the original Montefiore Home (now a car park) - This may have been covered by other sections of the original report. If so, this comment can be ignored otherwise this is a gap in the assessment.</p> <p>Historical themes not identified - This is a minor omission and its absence does not detract from the conclusions but would generally provide additional support for those conclusions.</p> <p>Absence of a statement of potential significance - Again this does not materially change the management recommendations provided in the report and may have little meaning, particularly in regard to the communications bunker. In regard to this element only a detailed analysis of both the documentary record and the physical remains will determine if this feature is of local, State or National significance.</p> <p>In general, the report meets standard for a Baseline Archaeological Assessment and the conclusions regarding management recommendations are sound and accurate.</p> <p>Updated Planning Proposal documentation lodged with Council since the preparation of the 2021 Baseline Archaeological Assessment do not impact the archaeological assessment of the site.</p>
Bushfire Assessment	<p>The Proposal, with the subject site being located upon bushfire prone land has provided an assessment that includes the relevant legislative requirements that are to be addressed as part of a Planning Proposal, in relation to bushfire protection. This is inclusive of the Ministerial Direction 4.3 & Planning for Bush Fire Protection 2019 (inclusive of Chapter 4 'Strategic Planning' & Chapter 6 'Special Fire Protection Purpose Developments') – further specific comment is provided below.</p>

	<p>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 (given the net increase in bedroom numbers across the site of around 50%), although overall / accurate proposed occupant numbers are not captured anywhere in the planning documents and a comparison of individual existing 'beds' is difficult to reconcile with the number of occupants residing in 1 – 3 bedroom ILUs.</p> <p>Section 6.4 of PBP 2019, which provides specific guidance for the development of existing SFPP facilities (as opposed to new development) promotes a more conservative approach where an increase in occupancy is proposed within an existing SFPP development, and recommends, that where practically achievable, full compliance should be provided before any variations to the Bushfire Protection Measures are considered.</p> <p>The recommendations within the report rely on the specific provisions associated with reduced/equivalent density levels within the SFPP development, although there does appear to be a significant increase in the possible number of occupants / densities proposed overall, which should change the initial focus back to full compliance, where practically achievable.</p> <p>There are opportunities available to the development to provide better outcomes to enhance setback distances, and reduce these BAL requirements to be more manageable and effective.</p> <p>Evacuation of the site may be required for a number of reasons (including bushfire impacts) and these impacts could be considered within the Traffic Impact Assessment.</p> <p>Consultation with the Rural Fire Service will be critical to confirm the level of compliance required in relation to the application of the individual aspects of Section 6.4 of PBP 2019.</p> <p>The development, in its current format cannot achieve full compliance with the general provisions for SFPP development, however, it is likely that full compliance to all Bushfire Protection Measures on such a proposal will not be practically achievable, and that some variations to these measures could be appropriately considered.</p> <p>This should be considered in relation to the comments included within this review, as the supporting Bushfire Assessment has not considered the</p>
--	---

	<p>development in this context, and there are important differences in the approach to compliance.</p> <p>However, the current Planning Proposal application processes provide an opportunity to better inform the future LEP outcomes, allowing the individual components of the proposal to be considered appropriately, so as to achieve better planning outcomes.</p> <p>Although the Proposal may technically comply with some of the specific 'infill' requirements for SFPP developments (pursuant to the above conflict description) there are further opportunities available to the development to explore/provide better outcomes.</p>
Community Needs Assessment (CNA)	<p>Strategic Merit –</p> <p>The Planning Proposal demonstrates that it generally aligns with the NSW strategic planning framework and relevant government priorities.</p> <p>However, several of the relevant strategic planning strategies seek the provision of housing that is more diverse and affordable. It is unclear that this intent will be satisfied by the Planning Proposal. The CNA report provides no analysis of housing to support an assessment of this issue, or to consider the impact of the proposal on housing diversity or affordability.</p> <p>The CNA report should have set out to establish the following points, to demonstrate the merit of the planning proposal:</p> <ol style="list-style-type: none"> 1. That the dwelling mix proposed by the Planning Proposal will meet the demand for housing that is more diverse and affordable. 2. That there is an oversupply of residential aged care facilities in the LGA, to the extent that a reduction in supply at the site by 40% would be possible without social impact. <p>In addition, the following matters are requested to be addressed:</p> <ul style="list-style-type: none"> • Housing that is more diverse and affordable - We recommend that the Gateway Determination require that this issue be further examined prior to public exhibition. • Reduction in the number RACF beds - We recommend that the Gateway Determination require that this issue be further examined prior to public exhibition.

	<p>Site-Specific Merit -</p> <p>Consideration of Social Impacts by the Community Needs Assessment (CAN) - Few aspects of social impact have been considered by the Planning Proposal. Consequently, the Planning Proposal is unable to demonstrate that the proposal has merit, nor that potential social impacts can be readily addressed during the subsequent LEP making stages.</p> <p>We recommend that the Gateway Determination require that this issue be further examined prior to public exhibition.</p> <p>At this stage of the planning process, this assessment of social impacts should be in the form of a 'scoping report', as set out in the Social Impact Assessment guidelines.</p> <p>Further, it is our opinion that the applicant has not adequately consulted the local community. A consideration should ensure that a broader range of community views are sought.</p> <p>Consideration of Social Infrastructure needs by the CAN - The types of social infrastructure and services that would be provided on-site following the redevelopment is not clear from the application documentation. It appears that the Planning Proposal intends to rely on the existing provision of social infrastructure, either in the community, or on-site from what exists within the Residential Aged Care Facility (RACF). Our review of the CNA report has identified a number of shortcomings as detailed within the review.</p> <p>We concur with the CNA that the addition of 176 people into Hunters Hill Local Government Area (LGA) would not generate a need for new Council provided facilities, nor generate a need that will move the needle on traditional LGA level service benchmarks. However, what is important to assess is whether existing services have the capacity to cater to this additional demand. Accessibility considerations are also important. This cannot be assessed from the CNA.</p> <p>The sites' future ILU residents require more than the single indoor community room recommended by the CNA and being required to walk to the RACF for all other services. This would not build the community required for social support of ILU residents (where at least half of residents will live alone).</p> <p>An important consideration is how these spaces are distributed across the site to ensure they are accessible to all residents. The Planning Proposal suggests that all facilities will be provided within the current RACF envelope. This would require a 600-metre walk (in/out) for some ILU residents to access them, prohibiting their use.</p>
--	--

	<p>Given the competitive nature of the seniors housing real estate market, and the demands for quality services from residents moving into these dwellings, it is highly likely that adequate services would be provided at the site. These facilities required could all potentially be provided on-site during later detailed design. However, there is no certainty about their future provision within the Planning Proposal.</p> <p>We recommend that the Gateway Determination require that the planning proposal provide further detail of its facilities and how they will be accessed by ILU residents prior to public exhibition.</p>
Detailed Site Investigation (DSI)	<p>A review of the potential future issues with respect to contamination and data gaps are summarised below.</p> <p>The DSI reported that limited contamination has been identified in soils in the investigated areas at the site which mostly relate to potential risks to ecology, although asbestos was detected in two soil samples in the southwest corner of the site, one of which exceeded the screening criteria for a residential site with access to soils which the proposed development would have.</p> <p>The site history appears relatively innocuous on the basis likelihood of generating significant soil and groundwater contamination and does not fit in with those activities listed as ‘...Activities that may Cause Contamination’ in section 3.2.1 of the Managing Land Contamination Planning Guidelines SEPP55 Remediation of Land 1998. Therefore, while the Aargus investigation had some data gaps and departures from NSW EPA guidelines, it is likely that deficiencies could be covered by some simple planning conditions. Suggested wording has also been included within the review.</p> <p>Inside the current buildings and below the footprint - No inspections have occurred inside the buildings to identify if there are any potential areas of environmental concern (for instance, any sub stations /generators /sheds containing chemicals etc). No investigation has taken place below the footprint of the existing buildings.</p> <p>Southeast corner of the site - No investigation locations were placed in the southeast corner of the site.</p> <p>Groundwater - The potential impacts to groundwater below the site have not been investigated.</p> <p>Sampling methodology - The descriptions of how soil samples were collected are vague and refer to “Aargus protocols based on best practice industry standards”, although does not specify what these are.</p>

	<p>Risks to Intrusive Maintenance Workers - Potential Impacts to Intrusive Maintenance Workers as human health receptors have not been considered.</p> <p>Inspection of the buildings - It does not appear that an inspection of on-site buildings has been completed.</p> <p>Material Management - A robust material management plan should be developed which details management procedures.</p>
Economic Impact Assessment	<p>The economic impact assessment of the proposed development appears reasonable. We note, however, that the majority of the expenditure and employment effects during the project's construction phase will be distributed throughout the wider Sydney economy rather than being concentrated in Hunters Hill LGA.</p> <p>In relation to the long-term operation of the Montefiore facility—and assuming the Planning Proposal is approved and the redevelopment proceeds—there will be a slight reduction in local employment although 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.</p>
Heritage Assessment	<p>The Urbis heritage assessment provides general guidance to the Planning Proposal and Master Plan. In general, the Planning Proposal and Master Plan can be supported on heritage grounds. The Planning Proposal and Master Plan can create the potential for enhancement of the heritage values of the place, as well as the amenity of the residents. However, there are some primary heritage issues identified by us that demand further attention.</p> <p>Basement Ramp and Traffic Generation - It is strongly recommended that there be no basement access from the existing roadway within the garden precinct.</p> <p>Fountain - This item requires further research.</p> <p>Café - Detailed root mapping should be undertaken to ensure that the café, and access to it (including pedestrian delivery and servicing access), do not impinge on the tree protection zone of any high or medium value trees.</p> <p>The Cyril Rosenbaum Synagogue - The heritage significance assessment undervalues the importance of the synagogue. Retention of the synagogue is supported.</p>

	<p>World War 2 Bunker - More detailed physical and documentary investigation of the bunker is required.</p> <p>Maintain Buffer to Heritage Garden - These areas should receive the same detailed assessment of tree species and their contribution as the garden itself.</p> <p>Building D - Agree with the report's recommendation that: <i>"Further detailed resolution of Building D should be undertaken at the DA stage - specifically to ensure satisfactory solar access is permitted on the Montefiore Garden and the health of this Garden is maintained given its heritage value."</i></p> <p>Planting on Structure - The opportunity created by the Planning Proposal and master plan to create a greatly enhanced landscaped open space network is highly commendable. Detailed consideration should be given to ensuring that soil depths and drainage above the basement car parking can sustain high quality landscaping.</p>
Services Infrastructure Report	<p>Hydraulic Services - The Hydraulic Services section, including the future estimated system demands, are consistent with local authority guidelines, including Sydney Water average daily water consumption under the assumption the site will be classified as 'Aged Accommodation - Full Care'. Alternately should the site be classified as 'Aged Accommodation – Self Care' demand shall be applied at a rate of 2.5L/s/m²/day based upon Net Lettable Area (NLA) in line with Sydney Water guidelines.</p> <p>The report correctly states information is preliminary and subject to Sydney Water Section 73 application process.</p> <p>The report does not provide details as to how the gas demand has been calculated, only that it has been 'based off usage data', it is possible this demand may subject to change following further assessment. Notwithstanding, authority consultation and application will be required to confirm existing infrastructure capacity and metering requirements. Multiple gas mains connections as listed in the report may be approved subject to authority approval.</p> <p>Budget estimate for new authority gas main connection has been listed as 'Authority Works' without associated cost applied. This is subject to Jemena assessment of proposed development and subject to letter of offer.</p>

	<p>Additional Hydraulic Services Master Planning Items –</p> <p><u>Sydney Water Building Plan Approval</u></p> <p>Development Application consent conditions regularly stipulate the requirement to obtain a Sydney Water Building Plan Approval which is used to identify whether the proposed development will impact Sydney Water assets, consideration should be given to all authority assets, in particular the Ø150 Sydney Water sewer main traversing the western portion of the site.</p> <p><u>Authority Mains Capacities and Connections</u></p> <p>Subject to authority applications, Sydney Water and Jemena may instruct mains amplifications, new or existing mains connection upgrades to service the proposed development, all of which will be determined following authority consultation and application/s.</p> <p><u>Fire Protection Systems</u></p> <p>Site-wide fire system upgrade is an expected requirement for the proposed master plan development. Water main connection for on-site fire systems is likely to be via new connection to existing Sydney Water Ø150 main located in High Street to accommodate estimated fire system demand and preclude the installation of on-site water storage.</p> <p>Civil Stormwater - The civil stormwater section provides details of the Hunters Hill Consolidated Development Control Plan 2013. The report identifies three site sub catchments and a lack of information regarding the existing on-site infrastructure, although nominate an expected pit and pipe system which is in line with this type and age development.</p> <p>Following high level review, the report's estimated On-Site Detention (OSD) sub-catchment requirement appears in-line with Hunters Hill DCP requirements.</p> <p>Additional Civil Stormwater Master Planning Items – Subject to master planning and existing condition, it may be necessary to upgrade existing on-site stormwater drainage infrastructure. Detailed site assessment will be required to determine OSD storage volumes and stormwater quality / pollution reduction measures (filtration) necessary to comply with council DCP. Considering the site area and topography, it is possible the site will require multiple OSD / pollution reduction approach to site sub-catchments.</p>
--	--

	<p>Electrical and Telecommunications - The electrical services sections, including the proposed new services to the new development are consistent with similar developments. The maximum demand calculations, estimates of the expected electrical loads for each building, have been completed in accordance with the methodology outlined in AS/NZS3000.</p> <p>The report includes the advice that the proposed new power supply arrangements require a formal connection application to Ausgrid. Ausgrid will advise on the final power supply arrangements, including any HV (high voltage) network augmentation costs. The proposed electrical services within the site to each new building are typical for this type of development.</p> <p>Telecommunications - The existing telecommunication services on site, NBN (National Broadband Network) and Telstra, include pits, conduits and communications cables.</p> <p>The report advises that the NBN services will need to be extended to the new buildings via new pits and conduit system. Co-ordination with NBN and Telstra will be required to identify existing services to be retained for the new development, and existing services to be decommissioned and removed.</p> <p>Additional Master Planning Issues –</p> <p><u>Existing Substations and Main Switchboards</u></p> <p>There are two existing substations on site – S4372 and S5749. Ausgrid may be able to advise on the ratings and utilisation level of each existing substation. There may be spare capacity in each substation that may be able to service part of the new development. The provision of a new Ausgrid substation for the new development may require the whole of site electrical installation to comply with the latest rules and regulations, including Ausgrid standards and AS/NZS3000: 2018: Wiring Rules.</p> <p><u>Connection Application to Ausgrid</u></p> <p>The early formal submission of a connection application to Ausgrid for the new development will allow Ausgrid to assess their current network capacity and to provide definitive new power supply options.</p>
<p>Transport Impact Assessment</p>	<p>Supporting documents (parking report, construction traffic management plan and traffic impact study) addressing matters raised within the review document, must be submitted to Council for assessment before a decision on the Planning Proposal, either to support or refuse the development, can be made.</p>

Urban Design Report	<p>Overall the concept design (both urban and landscape design) is generally well considered and responsive to the site setting and its context. However, the documents that will guide future development are too simplistic and will not be sufficient to ensure quality outcomes.</p> <p>The disparity between the maximum heights and floor space ratio (FSR) versus the number of storeys and actual gross floor area (GFA) of the reference scheme open up risks of taller, bulkier and heavier massing than is suggested through the masterplan and the objectives and controls in the site-specific development control plan (SSDCP) need to be tightened up to prevent this as far as possible.</p> <p>Some of the built form footprints indicated are tending towards being too long to achieve a compatibility with the low scale surroundings and should be further articulated and broken up, particularly as represented in the figures linked to the controls on Gaza Street and on Barons Crescent.</p> <p>The presentation of Building D in height could also be confronting to the heritage gardens and setback to the upper levels is recommended.</p> <p>The vehicle access purely through one point within the heritage gardens could also lead to poor outcomes and other access points could be considered from Barons Crescent to spread the load and avoid requiring a fully linked and extensive basement.</p> <p>Otherwise further work is recommended to strengthen the SSDCP and expand it to cover key principles within the master plan that are not reflected in the document currently.</p>
----------------------------	--

Planning Proposal documentation, including the associated site-specific development control plan, should be reviewed and updated to address the findings of the detailed assessment of technical reports supporting the Planning Proposal as outlined within the table above and within the Attachments to this report. This process can occur following Gateway Determination, but prior to public exhibition as outlined within DPE's Local Environmental Plan Making Guideline.

Application of SP2 Infrastructure Zone and Other Matters

Council has received correspondence from some members of the community with regard to a number of matters, including the legitimacy and suitability of applying the land use zone 'SP2 Infrastructure (Seniors Housing)' in relation to this proposal. Council has subsequently sought legal opinion in relation to this matter, which has clarified that there is no provision in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, the *Standard Instrument (Local Environmental Plans) Order 2006*, any environmental planning instrument or any Direction issued by the Minister for Planning under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* that prohibits land to be

included in Zone SP2 Infrastructure in a local environmental plan with the purpose shown on the Land Zoning Map as 'seniors housing'.

Public benefits

The Proponent has indicated that they are open to negotiating with Council with regard to public benefits through Voluntary Planning Agreement (VPA), however, to date no such offer or negotiations have taken place. The Proponent notes that specific public benefits will be outlined within an offer to enter into a VPA with the Council upon gazettal of the proposed amendments to LEP.

As no formal offer or detailed VPA has been entered into with the Proponent, the consideration of this would need to be made in a separate report, with it being generally exhibited concurrently with the Planning Proposal.

It is anticipated that these matters will be discussed and resolved between Council and the Proponent through the Planning Proposal process.

Public Consultation

As is normal practice, no formal public community consultation has been undertaken to date with regard to this Planning Proposal. The community will be consulted as part of the formal notification period following a Gateway Determination by the Department of Planning and Environment.

The public exhibition and consultation for the Planning Proposal will be in accordance with the requirements of:

- (a) The Gateway Determination issued by the Department of Planning, and Environment under section 3.34 of the *Environmental Planning and Assessment Act 1979*,
- (b) The *Environmental Planning and Assessment Regulation 2021*; and
- (c) Hunters Hill Community Engagement Strategy 2022.

In addition to the above, it can be noted that should Council consider the Montefiore Planning Proposal to have strategic and site-specific merit, a community consultation meeting will be held at the commencement of the public exhibition and assessment phase. Council would provide the community with adequate notice of this meeting.

Government Agency Consultation

To date, the Planning Proposal has not been formally referred to any government agencies for review and comment. Formal referral to relevant government agencies would be undertaken in accordance with the Gateway Determination.

Notwithstanding the above, Council Staff have consulted with DPE regarding this proposal throughout the initial assessment process. This consultation is planned to continue during

subsequent stages of the planning proposal consideration and assessment to ensure transparency throughout this process.

Rezoning Review

A proponent may request a rezoning review if a planning proposal is not supported by Council or no decision is made within 90 calendar days from the date the proposal was lodged with Council.

Council has now been informed via the NSW Government's Planning Portal that the 90-day assessment period for the subject Planning Proposal application is complete. Planning Portal notification has also confirmed that in accordance with the DPE Planning Circular PS 18-012, if the council fails to indicate its support within 90 days after the proponent submits a request, or has failed to submit a planning proposal for a gateway determination within 42 days after the council has indicated its support, the proponent will have the opportunity to request a rezoning review.

If a rezoning review request is made the review would be carried out by the Sydney North Planning Panel and the Panel would be required to make a recommendation on whether the Planning Proposal should proceed to Gateway determination.

CONCLUSION

The Planning Proposal proposes changes to land use zones, maximum building heights and the floor space ratio control across the site to facilitate the redevelopment of the site for seniors housing, encompassing Independent Living Units and the rationalisation of an existing Residential Aged care facility. The Planning Proposal responds to the housing supply and demographic demands for ageing in place identified under the Hunters Hill Local Housing Strategy, by providing independent living units, alongside residential aged care facilities in an area identified for increased residential capacity. The proposed outcomes associated with the Planning Proposal (i.e. seniors housing development), is considered to be adequately justified at this stage of the Planning Proposal process.

Review and detailed assessment of technical reports supporting the Planning Proposal has been undertaken. These reviews are provided within the Attachments of this report. Planning Proposal documentation, including the associated site-specific development control plan, should be reviewed and updated to address the findings of the detailed assessment of technical reports supporting the Planning Proposal. This process can occur following Gateway Determination, but prior to public exhibition as outlined within DPE's Local Environmental Plan Making Guideline.

Notwithstanding the outcome of the above review and detailed assessment, it is considered that adequate justification has been provided to demonstrate strategic merit through the Proposal's consistency with the LSPS, which was the result of extensive community engagement.

It is recommended that Council Forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the *Environmental*

Planning and Assessment Act 1979. Should a Gateway Determination be received, it is recommended that the Planning Proposal documentation be updated prior to public exhibition. Following public exhibition and completion of all relevant requirements of the Gateway Determination, the Planning Proposal and draft DCP would be reported to Council for further consideration.

FINANCIAL IMPACT ASSESSMENT

There is no direct financial impact on Council's adopted budget as a result of this report.

ATTACHMENTS

1. Planning Proposal Update August 2023
2. Planning Proposal
3. Appendix A Survey
4. Appendix B Urban Design Report
5. Appendix C Service and Infrastructure Report
6. Appendix D Site Investigation
7. Appendix E Arborist Report
8. Appendix F Traffic Impact Assessment
9. Appendix G Community Needs Assessment
10. Appendix H Engagement Outcomes
11. Appendix I Heritage Report
12. Appendix J Economic Impact Assessment
13. Appendix K Landscape Plan
14. Appendix L Archaeology Report
15. Appendix M Site Specific DCP
16. Appendix N Bushfire Report
17. Arboricultural Review
18. Archaeological Review
19. Bushfire Review
20. Community Needs Assessment Review
21. Contamination Review
22. Economic Review
23. Heritage Review
24. Traffic Impact Assessment Review
25. Urban Design Review
26. Services Infrastructure Report