

Exhibition of Planning Proposal at 116-120 High Street, 2-20 Gaza Avenue and 45-47 Barons Crescent, Hunters Hill (PP-2023-1109)

This document answers frequently asked questions about the Montefiore Seniors Living Planning Proposal.

What are the Council's, the Sydney North Planning Panel's (Panel) and the Department's role in the process?

The Council's role for this planning proposal

This planning proposal was originally submitted to Hunters Hill Council in May 2023. On 12 September 2023, Council resolved not to support the planning proposal. The proponent subsequently lodged a rezoning review request for the proposal, which resulted in the Sydney North Planning Panel supporting the proposal's progression for Gateway determination in December 2023 and appointing itself as the Planning Proposal Authority (PPA). Council is now considered a key stakeholder and will be consulted as part of the public exhibition.

In light of the planning proposal's progression to public exhibition, Council and the proponent are working on drafting a site-specific development control plan which will be exhibited as part of the planning proposal package. The Panel and the Department of Planning, Housing and Infrastructure do not participate in the development and adoption of these documents.

The Sydney North Planning Panel's role for this proposal

The Sydney North Planning Panel acts as the independent body in rezoning reviews within the Hunters Hill Local Government Area. Given Council did not support the progression of the planning proposal, the Panel was requested by the proponent to review the rezoning request.

The Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway determination. The Panel was appointed as the PPA and is therefore responsible for preparing the package of planning proposal documents for

public exhibition and running the public consultation. The Panel will consider public submissions on the planning proposal prior to making a decision about whether to recommend the planning proposal be made at finalisation.

The Department's role for this planning proposal

The Department assesses and guides planning proposals through the Local Environmental Plan (LEP) making process. This includes active management of the planning proposal through the LEP making process, issue resolution, and finalising the LEP (if the Minister is the local plan-making authority).

On 25 January 2024, the planning proposal was submitted to the Department for Gateway determination. An assessment of the proposal was undertaken, and a Gateway determination was issued on 23 April 2024 stating the proposal should proceed subject to the conditions, including the public exhibition of the proposal.

A final assessment of the planning proposal will be undertaken by the Department after the public exhibition. At this stage further amendments may be made to respond to matters raised by community members or public authorities. The Department is the local plan-making authority and will determine if the LEP amendment will be made.

What is a planning proposal?

A planning proposal (or "PP") explains the intended effect of a proposed LEP or proposed amendments to an LEP. It describes the intended outcomes and proposed LEP provisions, identifies and addresses the potential impacts that the changes may have and provides justification for making the LEP.

A planning proposal is a key part of the LEP making process because it describes how a new or amended LEP will 'give effect' to strategic and site-specific planning outcomes. It is the first step in making the statutory link between strategic plans and planning controls which apply to development.

Note: Any physical development of the land occurs under separate planning processes.

What is an LEP?

An LEP provides a statutory framework for the way land can be developed and used.

An LEP contains land use zones which establish where residential, commercial, recreation and other uses can occur. It has development controls for buildings and land, including controls for maximum building heights, floor space, subdivision and lot size.

LEPs also include provisions which address local matters, hazards and constraints, such as flooding, protection of biodiversity, heritage conservation, or land that is being reserved by the government to build more public infrastructure in the future.

An LEP is made under the *Environmental Planning and Assessment Act 1979*.

What is a Local Plan-Making Authority (LPMA)?

The LPMA is the authority responsible for making the LEP as identified by the Gateway determination. This may be the Minister (or delegate) or the relevant council. The LPMA undertakes the statutory functions in making the LEP.

What is a Planning Proposal Authority (PPA)?

In the planning proposal process, the PPA is responsible for preparing the package of planning proposal documents and submitting them to the Department for a Gateway determination. A Gateway determination is an approval required before the proposal can proceed to public exhibition. This approval is usually subject to conditions. The PPA is responsible for satisfying the conditions of the Gateway determination, public exhibition of the planning proposal, and finalisation. An alternate PPA may be appointed under certain circumstances, where directed by the Minister. As the planning proposal is the result of a rezoning review, the Sydney North Planning Panel is the PPA and the Department will be the Local Plan-Making Authority.

Will the heritage impacts of this proposal be considered by the Department?

The planning proposal seeks to alter the provisions on a site identified as containing a heritage item (I472- Garden, "Montefiore Home") within the Hunters Hill Local Environmental Plan 2012. A Heritage Assessment and Opportunities and Constraints Assessment for the site has been prepared by Urbis and forms part of the planning proposal package.

Any potential heritage impacts will be considered post-exhibition by the Panel and the Department prior to finalisation.

Will the potential bushfire risk of this proposal be considered by the Department?

The Gateway assessment of the proposal noted that the site is located on bushfire prone land. As a result of this, the Gateway contained a condition that required that additional bushfire work was prepared and consultation with the NSW Rural Fire Service (RFS) be undertaken prior to exhibition. This consultation has now occurred and outcomes of these discussions are included in the exhibition package.

Further consultation with NSW RFS will be undertaken as part of the public exhibition process and will be considered post-exhibition by the Panel and the Department prior to finalisation.

What will happen next?

Feedback received during the exhibition period will inform the finalisation of the plan. A submission report outlining how the feedback was taken into consideration will be developed. A decision on the proposed rezoning will be made in 2026.