

Planning Proposal Amendment to the Kogarah LEP 2012



73 Vista Street, Sans Souci

Planning Proposal to Amend the Kogarah LEP 2012

Submitted to Georges River Council
On Behalf of Nanevski Developments Pty Ltd

March 2017 ■ 15666

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JBA
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JBA
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STS GeoEnvironmental Pty Ltd

Executive Summary

This Planning Proposal has been prepared on behalf of Nanevski Developments and seeks to amend the *Kogarah Local Environmental Plan 2012* (LEP) Land Use Zone, Foreshore Building Line development controls and insert an additional permitted use for Seniors Housing specifically relating to 73 Vista Street, Sans Souci (the Site).

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Act 1979 (NSW)* (EP&A Act), and includes the requirements as set out in *A guide to preparing planning proposals* published by the then Department of Planning and Infrastructure in October 2012.

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification for those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal

Accompanying this report is an Indicative Scheme prepared by Marchese Partners (**Appendix A**), a Proposed Site Specific DCP (**Appendix E**) and specialist consultant reports appended to this Proposal (refer to **Contents**).

1.0 Introduction

This Planning Proposal has been prepared by JBA on behalf of Nanevski Developments (herein referred to as 'Nanevski'). It seeks to amend the *Kogarah Local Environmental Plan 2012* (LEP) Land Use Zone and Foreshore Building Line controls and insert an additional permitted use for Seniors Housing specifically relating to 73 Vista Street, Sans Souci (the Site).

The purpose of this Planning Proposal is to seek amendments to the Kogarah LEP 2012 to facilitate the development of Seniors Housing on the site. This will be achieved through the correction to anomalies of the land use zone and Foreshore Building Line in addition to an increase in the allowable building height and floor space ratio for a Seniors Housing development.

Should the Planning Proposal be supported, Nanevski proposes to redevelop the site with a Seniors Housing development that suitably caters for the ageing population in the surrounding area. The process would require a future DA approval and be subject to additional requirements at that stage.

The site, located in an accessible location, close to all necessary amenities and services, does not realise its full potential for residential forms of development. The indicative scheme, provided in support of this Planning Proposal, demonstrates that redevelopment for the purpose of Seniors Housing is achievable on this site at the scale proposed.

This Planning Proposal describes the site and the proposed LEP amendments. It is supported by an indicative scheme of how the site might be developed in light of the proposed changes. This Planning Proposal should be read in conjunction with the indicative scheme prepared by Marchese Partners (**Appendix A**), the Proposed Site Specific DCP Chapter (**Appendix E**) and specialist consultant reports appended to this Proposal (refer to Table of Contents).

This Planning Proposal has been prepared having regard to “*A guide to preparing local environmental plans*” and “*A guide to preparing planning proposals*” published by the then Department of Planning and Infrastructure.

1.1 Background

A New Plan for Our City (New City Plan)

A New Plan for Our City (herein to be referred to as the New City Plan) was adopted by Kogarah City Council on the 28th July 2014. The preparation of the New City Plan was a response to the conversion of the Kogarah LEP 1998 to the Department of Planning's Standard Instrument LEP, which was gazetted as the Kogarah LEP 2012. This conversion was not a review of statutory planning controls and there was no strategic review of zonings and development standards.

The key features of the New City Plan are that it:

- Protects the character of our low density residential areas by purposing high density residential development in and around existing commercial centres and along major roads (e.g. the Princes Highway and Rocky Point Road);
- Provides increased opportunities for a range of housing across the City, including the waterfront and foreshore areas. Dual occupancy development and seniors housing will be permitted in low density areas. In areas that are environmentally sensitive (e.g. waterfront areas and Heritage Conservation Areas) development for dual occupancy will be permitted on sites greater than 1000m²;
- Protects parks, open spaces and foreshores by ensuring that land identified as open space or having high environmental qualities is appropriately zoned;
- Encourages high quality retail and office space in the commercial centres and along the Princes Highway.

A Planning Proposal was lodged with the Department of Planning and Environment (the Department) on the 14th August 2014 for consideration and review. On the 15th December 2014 the Department granted Gateway approval. This approval granted a period of 18 months to finalise the amendment to the Kogarah LEP 2012.

The New City Plan proposes to rezone the E4 Environmental Living portion of the site to R2 Low Density Residential. A small triangular parcel of land that forms part of the site is also proposed to be rezoned to RE1 Public Recreation. The Planning Proposal also proposed for the site an 8.5 metre height limit and a 0.55:1 Floor Space Ratio (FSR).

Between 30 March 2015 and 29 May 2015, Kogarah Council exhibited a Planning Proposal in accordance with section 57 of the Act. Following public exhibition of the Planning Proposal, the height limit was increased to 9 metres. No other amendments were proposed as specifically relate to this site.

The Planning Proposal is currently being assessed by the Department of Planning and Environment with an estimated completion time of early 2017. In the interests of expedience, this Planning Proposal has been prepared, written and lodged prior to the amendment to the LEP.

Consultation

JBA prepared a submission to A New Plan for Our City on behalf of Nanevski Developments that was formally lodged with the former Kogarah City Council on 30th October 2015. The submission outlined the zoning and Foreshore Building Line anomaly that has historically existed and is no longer relevant due to historical land reclamation.

The response received from Kogarah was that the application should more appropriately be undertaken as a Planning Proposal distinct and separate from the New City Plan that could also reflect the intended future development of the site for seniors housing.

Nanevski Developments accompanied by JBA and Marchese Partners met with Council officers on 17 November 2016 to present a development concept for Seniors Housing and to discuss the merits and process for a Planning Proposal for 73 Vista Street. The development concept presented a 4-6 storey form with two basement levels achieving a height of 13-19m and an FSR in the region of 2.35:1.

Council advised that the Planning Proposal should address *A Guide to Planning Proposals* and specifically the Strategic Merit Test and provided more specific advice:

- The Planning Proposal should precede the Development Application rather than being a concurrent lodgement;
- Clause 6.8 of A New Plan for Our City seeks to encourage seniors living in the R2 zone;
- Include DCP style diagrams – the DCP can be amended to include site specific controls e.g. Kogarah Town Centre; and
- Include a new map that indicates the realigned foreshore building line at 7.6m.

Regarding the merits of the development concept Council provided further advice:

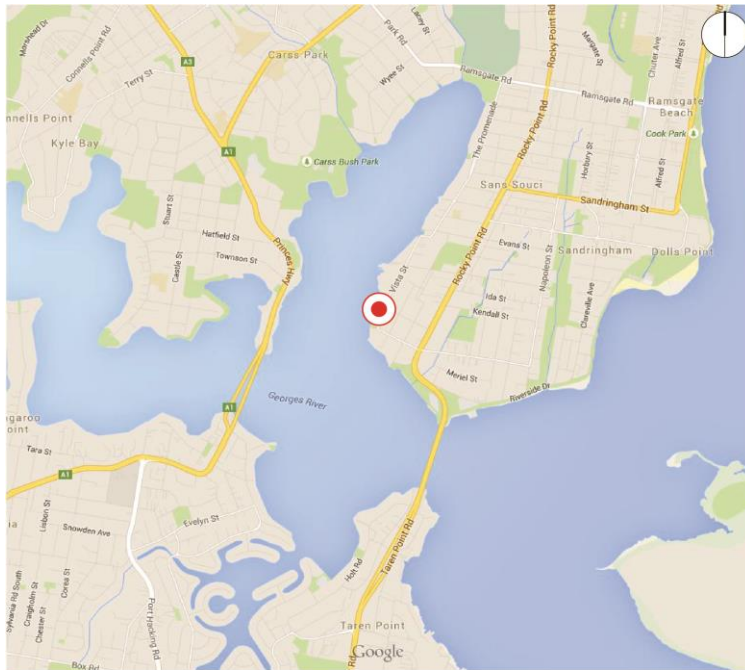
- The proposal should link the future land use to the built form controls sought – consider the implications of R2 and R3 rezoning options;
- The proposal should respect the future urban form likely within the zone – reduce the height to as close to 9.5m as possible at the street; and
- The proposal should respect the iconic views to the water – ensure a views analysis accompanies the Planning Proposal that assesses the proposal against a complying scheme.

Following the submission to the New City Plan, the response from Council and the subsequent meeting with Council staff, it was decided that the preparation of a Planning Proposal with an attached Proposed Site Specific DCP (**Appendix D**) was the most suitable way to approach this proposal. This Planning Proposal addresses the above considerations raised by council staff.

2.0 The Site

2.1 Site Location

The site is located at 73 Vista Street, Sans Souci (**Figures 1**). It is situated approximately 22km south of the Sydney Central Business District (CBD), 9.7kms south of the Sydney International Airport and 2km north of Taren Point, located within the Georges River (former Kogarah City) Council Local Government Area (LGA).



● The Site

Figure 1 – Site Context Map

Source: Google and JBA

The site is located on the western side of Vista Street, north of the public recreation area, St Kilda Point, as well as the St George Motor Boat Club. Aerial images illustrate the site location in **Figures 2 & 3**.

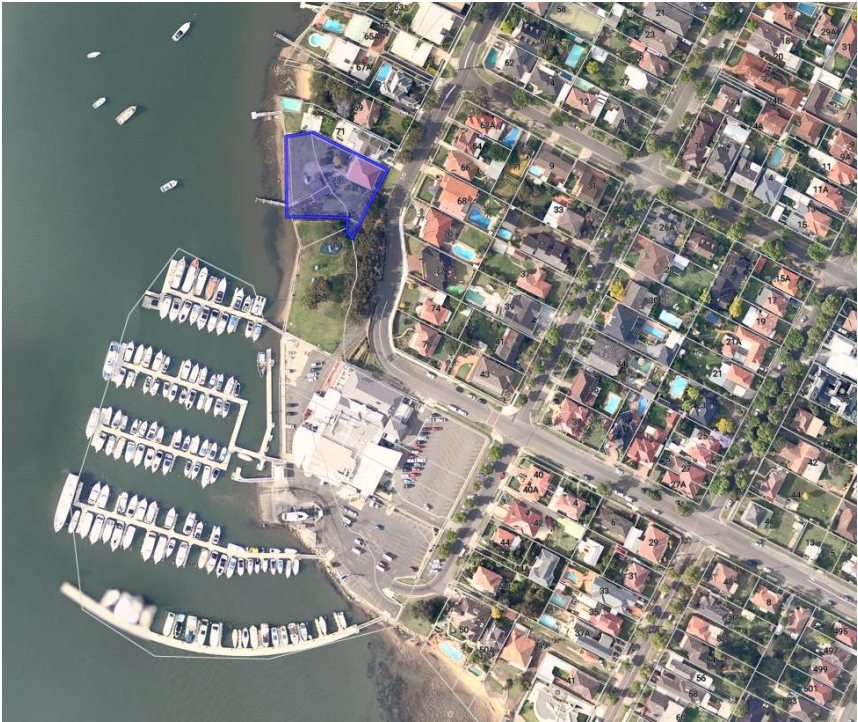


Figure 2 – Aerial Photo of Site
Source: Nearmap



 The Site

Figure 3 – Aerial Photo Site Outline
Source: Nearmap & JBA

2.2 Site Description

The site consists of five allotments with the following legal property descriptions; areas and corresponding zoning under Kogarah LEP 2012 (see **Table 1**). A site survey that was prepared for the sale of the property by John R Holt Surveyors is shown at **Figure 3** and has been attached at **Appendix B**. This site survey indicates that the total site area is greater than the existing Deposited Plans on title have previously stated.

Lot/DP	Zone
Lot 1 DP 320605	E4 – Environmental Living
Lot 1 DP 1115986	E4 – Environmental Living
Lot 489 DP 752056	W2 – Recreational Waterways
Lot 392 DP 752056	W2 – Recreational Waterways
Lot 1 DP181450	E4 – Environmental Living

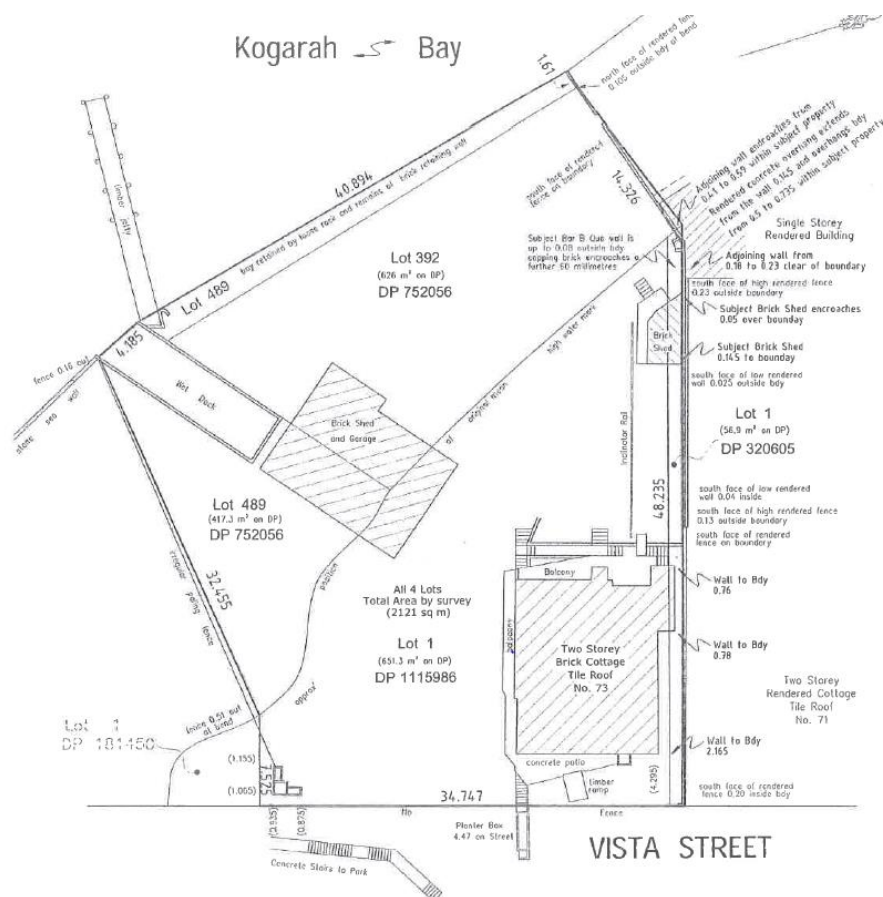


Figure 4 – Survey
Source: John R Holt Surveyors

Nanevski have since had the site resurveyed for the purposes of developing a scheme for Seniors Housing. This survey by Harrison Friedmann & Associates is shown at **Figure 5** and has been attached at **Appendix C**.

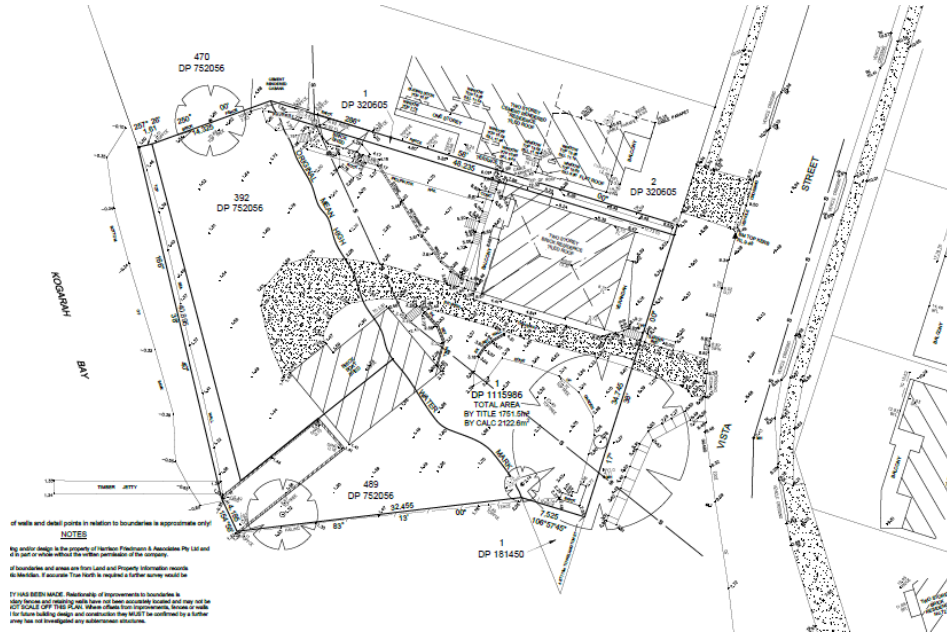


Figure 5 – Survey
Source: Harrison Friedmann & Associates

The site, excluding the triangular allotment to the south, has a total area of approximately 2,123m² and a frontage of some 35 metres to Vista Street to the east. Its western boundary (approximately 40 metres in length) adjoins Kogarah Bay.

The site is currently occupied by low density residential development and ancillary structures. A two storey brick residential dwelling and small brick shed are located within the E4-zoned portion of the site. A large shed and garage and associated wet dock are located predominantly within the site's W2-zoned portion. Due to the slope of the land, the site appears as a single storey dwelling house when viewed from the street. A jetty extends into the Georges River waterway from the site's western boundary.

2.3 Surrounding Development

The development surrounding the site generally comprises buildings of a similar scale to the subject site, being low density residential dwellings of one to two storeys in height. As the land is located on the waterfront, all land to the west forms part of the Georges River.

North

Development to the north of the site consists of low density residential development with the majority of residential dwellings along the western side of Vista Street having pools and jetties extending into the waterways. Further north of the site is the Botany Bay Yacht Club which provides both slipping and hardstand facilities, including a main pontoon and moorings which can accommodate a total of three (3) yachts.

South

Development to the south of the site consists of an allotment zoned RE1 – Public Recreation which has frontage to the Georges River waterways. Adjoining the public reserve to the south is the St George Motor Boat Club which accommodates the following:

- Club facilities including reception venues;
- At-grade car parking facilities provided for both members and guests accessible from Wellington Street; and

- A floating marina which provides over 130 berths with both short and long term leases available.

East

East of the site is low density residential dwellings of one to two storeys, interspersed with more recently developed dual occupancy developments continued further eastward to Rocky Point Road.

2.4 Public Transport

Bus transport facilities are available in close proximity to the site, including public buses and train stations. The closest public bus stops are located on Wellington Street and Nelson Street less than 400m distance from the site (see **Figure 5** below). Bus routes using these stops provide relatively frequent, daily services to shopping centres such as Eastgardens as well as connections through to the Sydney CBD (a bus route timetable is provided at **Appendix B**). Additional Bus Routes 467 and 477 are available from Rocky Point Road and provide direct access to Kogarah Train Station which is approximately 22 minutes by bus, as well as shopping centres at Miranda to the south and Rockdale to the north west of the site.

Kogarah Train Station is located approximately 5kms north of the site which runs services through to Rockdale and Hurstville town centres, and connects to the Sydney CBD and metropolitan train network.



Figure 6 – Distance to public transport facilities from site
Source: Nearmap and JBA

2.5 Surrounding Facilities

The site is well positioned, being in close proximity to a number of necessary services and facilities. Public transport options are also available to occupants to travel further to shopping centres and the Sydney CBD.

The St George Motor Boat Club is located adjacent to the site less than 100 metres to the south of 73 Vista Street. The Motor Boat Club offers a range of services equivalent to a normal registered club. This includes the offering of a courtesy bus to members and guests of the club. The co-location of seniors housing with registered clubs is an ongoing trend that helps provide facilities and services within close proximity of the individuals who most need them.

Sans Souci Leisure Centre is located approximately 500 metres away, to the south-east of the site. It offers an indoor and outdoor swimming pool as well as gym and group fitness facilities.

Sans Souci local centre is approximately 1km away to the north-east of Vista Street. This local centre includes medical facilities, restaurants, fast food, real estate agents and a Supabarn Supermarket.

The Rockdale Plaza Centre is approximately 5.5 kms north of the site, located on the Princes Highway. It includes over 50 specialty stores including a Chemmart Pharmacy, ALDI and Woolworths, fresh food outlets, the Roads and Maritime Services and various banking facilities. There are seven (7) medical practitioners and medical centres in close proximity to the Rockdale Town Centre.

St George Hospital is located approximately 4km to the north of the site and offers both a public and private hospital with a large range of services. The nearby bus service provides access through to St George Hospital via Railway Parade, Kogarah.

Land immediately south of the site is zoned RE1 – Public Recreation zone which is parkland available for public use. Kendall Street Reserve is on the eastern side of Rocky Point Road, which is located approximately 700m walking distance from the site.

Distances:

- St George Motor Boat Club: 80 metres
- Nelson Street Bus Stop: 340 metres
- NSW Marine Rescue: 500 metres
- Sans Souci Leisure Centre: 600 metres
- Sans Souci local centre: 1.2km
- St George Hospital: 4km
- Kogarah Railway Station: 5km
- Caringbah Railway Station: 5km
- Rockdale Plaza: 5.5km

3.0 Existing Planning Controls

3.1 Kogarah Local Environmental Plan 2012

The Kogarah Local Environmental Plan 2012 (KLEP 2012) is the primary environmental planning instrument that applies to the site. The New City Plan is in the process of implementing a number of key changes to the primary development controls relating to this site. These controls are discussed below.

3.1.1 Zoning

Under the KLEP 2012 the site is part zoned E4 – Environmental Living and W2 – Recreational Waterways as shown in **Figure 6** below. This Proposal seeks to rezone the W2 zoned portion of the site to R2 – Low Density Residential to be the same as the draft amendments to the KLEP 2012 referred to as the *New City Plan*.



Figure 7 – Site zoning, KLEP 2012

Source: KLEP 2012

As part of the New City Plan, the former Kogarah City Council proposed the rezoning of the land currently zoned E4 under the KLEP 2012 to the new R2 Low Density Residential zoning. A small triangular parcel of land that forms part of the site, identified as Lot 1 in DP 181450, is also proposed to be rezoned to RE1 Public Recreation.

3.1.2 Building Height

The Kogarah LEP 2012 does not currently include a height of building development standard. Clause 4.3 of the Standard Instrument LEP was not adopted by the Kogarah LEP and as a result the site does not have a legislated maximum building height.

The E4 part of the site is however subject to the requirements of the Kogarah DCP 2013 (KDCP 2013) which allows a building height of 9 metres. There is no building

height control for the land currently zoned the W2 Recreational Waterway in either the KLEP 2012 or the associated KDCP 2013.

The former Kogarah Council released A New Plan for Our City (New City Plan) which sought to amend the Kogarah LEP 2012. Within the Council-led Planning Proposal it is proposed to adopt Clause 4.3 of the Standard Instrument LEP and apply a maximum building height of 9 metres to the E4 (future R2) part of the subject site. No maximum building height has been proposed for the W2 Recreational Waterway or RE1 Public Recreation parts of the site.

The New City Plan is currently with the Department of Planning and Environment for final assessment with the amendment likely to occur in early 2017.

3.1.3 Floor Space Ratio

The Kogarah LEP 2012 does not include floor space ratios (FSRs). At the time of preparing the KLEP 2012, the Council resolved not to include FSR as a development standard due to:

- The use of building envelope controls for some centres;
- The complexity of mapping FSR for areas such as Kogarah Town Centre where there was a difference in the definition of gross floor area from the standard instrument definition; and
- The flexibility afforded by retaining the FSR in a Development Control Plan.

With the current review of the Kogarah LEP 2012, it was considered appropriate to include FSR as a development standard in the LEP. The R2 half of the land has been designated a future FSR of 0.5:1. The W2 portion of the site has not been designated a future FSR.

3.1.4 Foreshore Building Line

A foreshore building line is defined for the site as a line on the Foreshore Building Line Map. The location of the Foreshore Building Line (FBL) under Clause 6.4 of the Kogarah LEP 2012 does not reflect the actual edge of the foreshore area. The mapped Foreshore Building Line has been determined based on historical records of the mean high water mark, which is not current.

The historical mean high water mark, as depicted in **Figure 8**, encroaches some 15-32 metres into the site from Kogarah Bay. The existing landform suggests that this site has been filled, with a retaining seawall built along the western edge of the site. Therefore, the actual high water mark is located further west toward Kogarah Bay, aligning with the current landform and subdivision pattern.

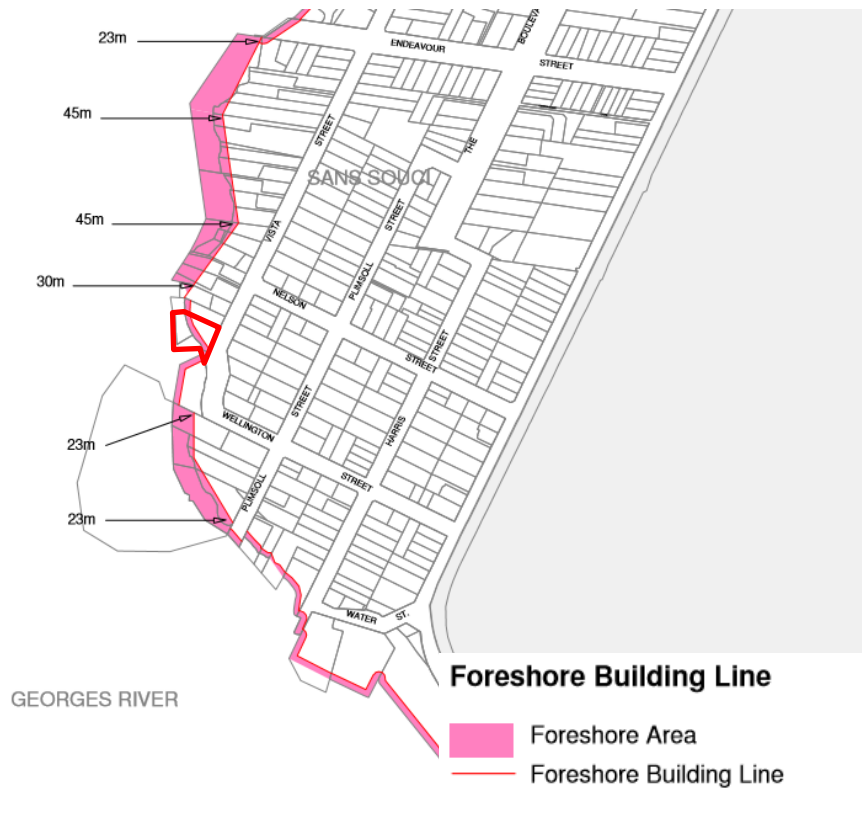


Figure 8 – Foreshore Building Line Map
Source: Kogarah LEP 2012

The foreshore area, as illustrated in Figure 8, refers to an area adjoining the Foreshore Building Line in which limited development is permitted. The primary objective of this control is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

3.2 Kogarah Development Control Plan 2013

The Kogarah Development Control Plan 2013 (KDCP 2013) builds upon and provides more detailed provisions than the LEP. Prior to the implementation of A New City Plan, the Kogarah DCP provides development controls for building height and FSR.

This Planning Proposal proposes the addition of new Site Specific DCP Chapter to be added into a new appendix being; Part C – Appendix 5: Seniors Housing Development – Specific Precincts.

3.3 A New Plan for Our City

The current Planning Proposal as amended and resubmitted with the Department of Planning and Environment on the 6th June 2016 has been designed to apply the following development controls to the site:

- Land Use Zone – Split between R2 Low Density Residential, W2 Recreational Waterway & RE1 Public Recreation;
- Height of Building – 9 metres for the R2 Low Density Residential land;
- FSR – 0.55:1 (See **Figure 8**)

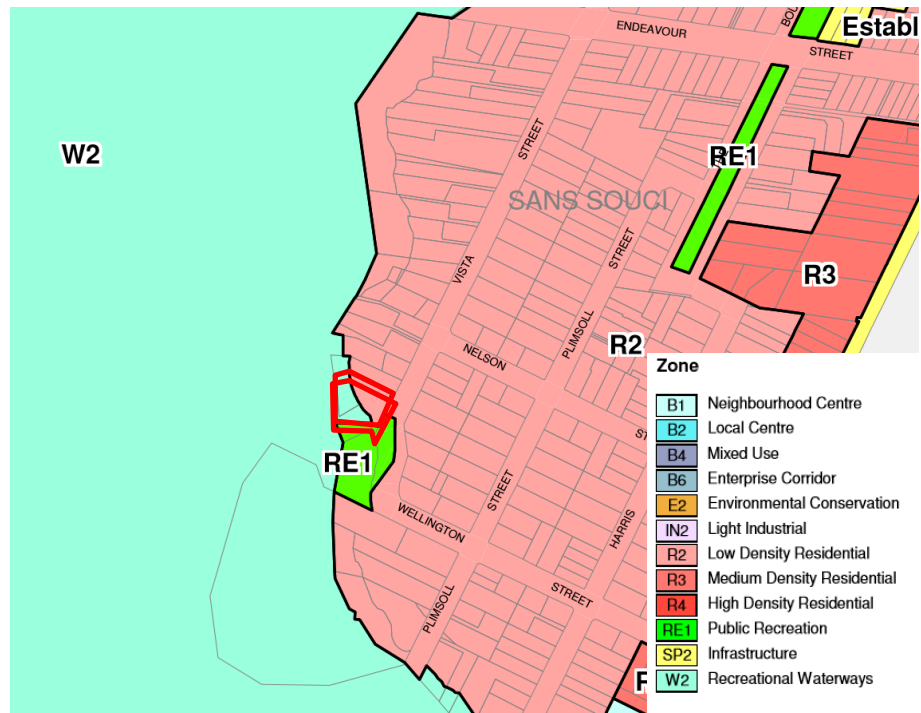


Figure 9 – Proposed Land Use Zoning
Source: Kogarah City Council

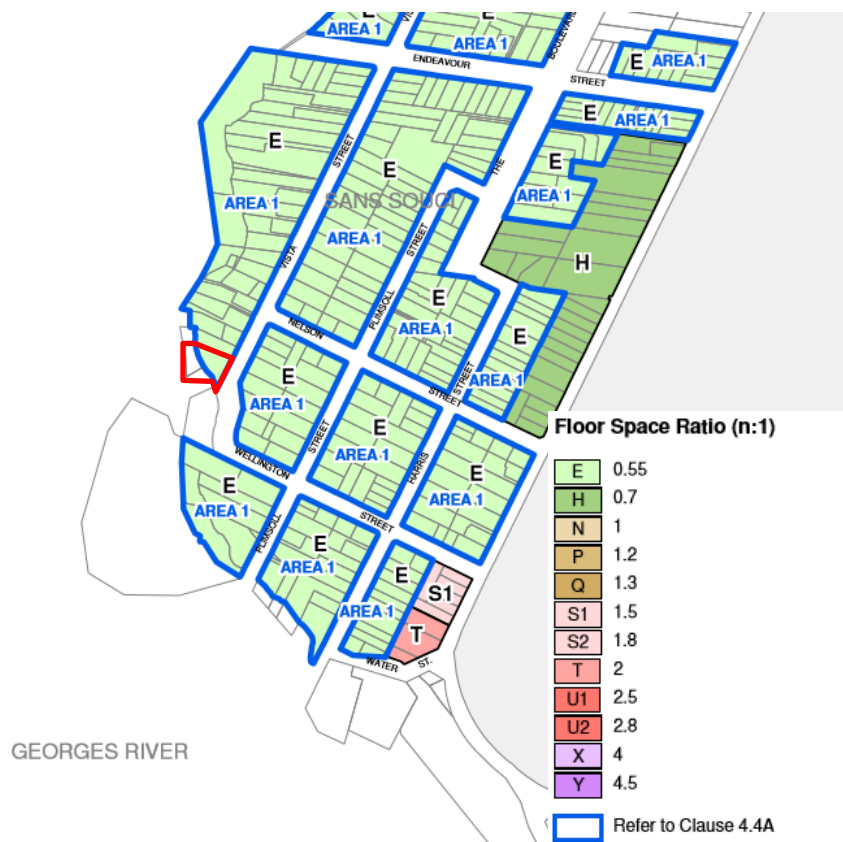


Figure 10 – Proposed Floor Space Ratio – New City Plan
Source: Kogarah City Council

4.0 Options Analysis

During the preparation and exhibition of the New City Plan and subsequent to discussions with Council a number of preliminary options have been investigated prior to the preparation of the Planning Proposal.

4.1 Site Constraints

In establishing the site's development potential, the following site constraints were recognised:

- No currently legislated maximum building height and floor space ratio;
- W2 Recreational Waterway and Foreshore Building Line following historical pattern and detrimentally impacting on the development potential of the site
- Future maximum building height of 9 metres as established by the New City Plan;
- Future maximum FSR of 0.55:1 metres as established by the New City Plan;
- Existing low density residential development to the north and east of the site that is predominantly two storey in nature;

These site constraints will partly be alleviated when the New City Plan Planning Proposal amends the Kogarah LEP 2012. This Planning Proposal will seek to address the other constraints on the basis that they unreasonably restrict a site that is highly suitable for a Seniors Housing development that is consistent with State, regional and local strategic planning policies.

4.2 Scheme Investigation

Development of the site under the current development controls was considered. This scheme was rejected as a significant underdevelopment of the site, given the different land use zones which effectively prevent development of much of the land. The predominant issues with the scheme were:

- Seniors Housing is a prohibited use in the W2 Recreational Waterways zone;
- This prohibition more than halved the developable area of the site;
- The E4 zoned portion of land lacked a suitable shape to create an appropriate design for seniors housing.

Opportunities:

- Topography of the land allows for a building of approximately 19 metres in height to be designed with a similar ridge height to that of 67 Vista Street to the north (being the St Kilda House, a locally listed heritage item) that sets a height benchmark;
- Public open space to the south provides outlook and amenity for increased residential use;
- Waterfront location provides excellent amenity (outlook, privacy, solar access) for increased residential use;
- Adjacent to a large registered club with suitable facilities;
- Large development site is of a size and shape ideally suited to Seniors Housing development;
- Proximity to the local bus network;
- The highest and best use of the land;

- The recognised need for housing diversity in the local area and the short supply of purpose built seniors housing in the locality;
- Low housing occupation rates (singles and couples) in the local area;
- An ageing local population presently accommodated in dwellings. appropriate for families

4.3 Potential Future Seniors Housing Development

It is considered that the changes requested to the existing W2 zoning of the site and location of the FBL and Foreshore Area under the KLEP 2012 are consistent with the expectations for land in the area, based on strategic planning investigations completed by Council. Those investigations underpin the proposed rezoning of all E4 Environmental Living zoned land to R2 Low Density Residential generally. The Planning Proposal document prepared by Kogarah Council dated August 2014 outlines two key strategic intents:

- The rezoning of E4 Environmental Living zoned land to R2 Low Density Residential to provide more opportunity for the ageing community to 'age-in-place', encouraging alternative housing types and allowing older residents to redevelop their land to provide a more suitable form of accommodation; and
- The inclusion of a local provision into the KLEP 2012 to encourage seniors housing in the form of self-contained dwellings so as to increase the supply and diversity of housing that meet the needs of seniors in the R2 Low Density Residential zone. The New City Plan Planning Proposal reflects on the fact that the current provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 require that housing for seniors, including self-contained dwellings, meet certain locational requirements, which occasionally precludes large development sites in and around the foreshore and waterfronts areas.

As a result, opportunities for older people who choose to move from larger family-style homes in the foreshore or waterfront areas to smaller appropriately constructed homes are limited. Accordingly, residents are forced to move out of areas like Sans Souci, and often to other LGAs and away from their support network.

4.4 Indicative Scheme

An indicative scheme has been produced by Marchese Partners (refer to **Appendix A**). The indicative scheme has been designed to show how the site may be developed under the LEP and DCP provisions, as proposed to be amended.

The indicative scheme has been considered to minimise the visual and view impacts on surrounding properties, when compared to an otherwise complying scheme, and to provide a sound contextual fit with the local environment, whilst optimising the site's opportunities for high amenity seniors housing. The building height is reflective of the historic house at 67 Vista Street to the north, whilst the sloping topography of the land, in combination with the stepped building form to the street, ensures that the building 'appears' as a three storey form when viewed from Vista Street. This is designed to fit comfortably within the streetscape context.

Key features of the indicative scheme include:

- A building that presents as six storeys to the waterfront and three storeys to the street;
- Underground car parking across four levels (including 2 basements below the waterfront ground level);
- Two lifts to provide suitable access across all levels;

- Swimming pool and communal spaces; and
- Landscaped common areas.

The indicative scheme achieves a gross floor area of approximately 4,991.3m² which equates to a FSR of approximately 2.35:1.

The impacts of the Scheme are discussed further in **Section 7.2 & 7.3**.

5.0 The Planning Proposal

This section of the report describes the Planning Proposal and design principles that establish the foundation for the proposed amendments to the Kogarah LEP and DCP. Further detail is provided throughout the environmental assessment in the following chapters.

5.1 Explanation of Provisions

The proposed outcome will be achieved through an amendment to the Kogarah LEP 2012 land use zone and foreshore building line mapping as well as the inclusion of a site specific amendment to include seniors housing as a permitted use for the site in Schedule 1. The intent of these provisions is to allow for development, such as the indicative scheme, that provides high quality seniors housing and thereby helps meet current strategic planning objectives and targets.

	Existing	New City Plan	Proposed
Land Use Zone	W2 Recreational Waterway	W2 Recreational Waterway	R2 Low Density Residential
	E4 Environmental Living	R2 Low Density Residential	R2 Low Density Residential (No change)
	E4 Environmental Living	RE1 Public Recreation	RE1 Public Recreation (No Change)
Building Height	DCP Control 9 metres	9 metres	Additional Permitted Use
Floor Space Ratio	DCP Control	0.55:1	Additional Permitted Use
Foreshore Building Line	On average 6-7 metre setback from Mean High Water Mark	No change	Shift the foreshore building line on the site westwards and maintain a foreshore area depth of 7.6 metres

5.1.1 Land Use Zone

The Planning Proposal seeks to amend the existing W2 Recreational Waterway zone to become R2 Low Density Residential. This land use zone will correct the zoning anomaly that has arisen due to the historic high water mark, which is not accurate.

The R2 zoning is consistent with the residential zoning proposed by the New City Plan for the remainder of the site. The zone will now be applied across the whole of the site.

5.1.2 Foreshore Building Line

The location of the Foreshore Building Line under Clause 6.4 of the KLEP 2012 does not reflect the actual edge of the foreshore area. The mapped Foreshore Building Line has been determined based on historical records of the mean high water mark, which are an incorrect reflection of the land/water conditions on the site.

5.1.3 Additional Permitted Use

Within Schedule 1 of the Kogarah LEP 2012 it is proposed to include a provision that allows for additional development potential for 73 Vista Street, Sans Souci should it be developed for the purposes of a Seniors Housing development. This proposed clause will state:

Use of certain land at 73 Vista Street, Sans Souci

1. *This clause applies to land at 73 Vista Street, Sans Souci, being Lots Lot 1 DP 320605, Lot 1 DP 1115986, Lot 489 DP 752056 and Lot 392 DP 752056;*
2. *The objective of this clause is to provide for additional floor space and height on the land to which this clause applies for the purposes of Seniors Housing;*
3. *Notwithstanding any other provisions, development for the purposes of Seniors Housing is permitted with development consent if the floor space ratio does not exceed 2.35:1 and the building height does not exceed RL 20.4.*
4. *Notwithstanding Clause 3 above; building height may exceed RL 20.4 to the extent that;*
 - 4.1 *There is a lift overrun to a maximum height of RL 21.6;*
 - 4.2 *There is a rooftop communal open space; the building height may exceed RL 20.4 to accommodate associated structures including parapets, planters, access, lifts and stairs subject to merit assessment*

5.2 Concurrent Amendments to the DCP

The KDCP 2013 is likely to change following the adoption of the amendments set by the New City Plan. Whilst an amended DCP hasn't been made publicly available in association with the New City Plan, we would expect that provisions relating to building height and floor space ratios would be removed or amended in the DCP to remove any inconsistencies with the new LEP.

If adopted the controls proposed by this Planning Proposal are anticipated to be incorporated into the Kogarah DCP 2013 within a new appendix, thereby forming; Part C – Appendix 5: Seniors Housing Development – Specific Precincts.

In this regard, the only DCP amendment likely to be required is the addition of the Site Specific DCP.

5.3 Justification

A Planning Proposal will provide a better outcome than a development application based on current statutory and local planning provisions because it will:

- Allow for the suitable use of the entire site;
- Allow for the development on Seniors Housing in a form and of a scale that is economically viable whilst still maintaining a prohibition on Residential Flat Buildings and other forms of Residential Accommodation, other than dwelling houses and dual occupancies (attached) and not enabling other forms of development to benefit from the increased development potential;
- Provide for, and contribute to, residential dwelling targets;
- Provide for more housing for seniors, of a high level of amenity, in accordance with the objectives of the (former) Kogarah City Council; and
- Acknowledges the specific constraints and opportunities presented by the unique locational and other characteristics of this site.

6.0 Assessment of Planning Proposal

The following section includes an assessment against the requirements in *A guide to preparing planning proposals* published by the then Department of Planning and Infrastructure in October 2012. This section demonstrates the need for the proposal and its relationship with the strategic planning framework.

6.1 Part 1 – Objectives and Intended Outcomes

This section of the Planning Proposal sets out the objectives or intended outcomes of the Planning Proposal.

The main objectives of the Planning Proposal are to amend the KLEP 2012 to:

- a) Provide for the opportunity for the future development of a seniors housing development which:
 - Provides for diversity and housing choice locally and contributes to diversity across the LGA; and
 - Is located within close proximity and within ready access to services and facilities often sought by ageing populations.
- b) Provide for a development that is well suited to the area and to this specific site, has clear connections with its surrounding context and which will make a positive contribution to the housing diversity of the area.

6.2 Part 2 – Explanation of Provisions

The Planning Proposal incorporates a number of general amendments to the KLEP 2012 as it relates to the site at 73 Vista Street, Sans Souci.

To achieve the objectives outlined in Part 1 (**Section 6.1**), this Planning Proposal seeks to amend the KLEP 2012, or its successor (the New City Plan) as shown below in **Table 2**.

Table 1 – Existing Controls and Proposed Amendments

	Existing	New City Plan	Proposed
Land Use Zone	W2 Recreational Waterway	W2 Recreational Waterway	R2 Low Density Residential
	E4 Environmental Living	R2 Low Density Residential	R2 Low Density Residential (No change)
	E4 Environmental Living	RE1 Public Recreation	RE1 Public Recreation (No change)
Building Height	DCP Control 9 metres	9 metres	Additional Permitted Use
Floor Space Ratio	DCP Control	0.55:1	Additional Permitted Use
Foreshore Building Line	On average 6-7 metre setback from Mean High Water Mark	No change	Shift the foreshore building line on the site westwards and maintain a foreshore area depth of 7.6 metres

The following additional permitted use is proposed to be added to Schedule 1 of the KLEP 2012:

Use of certain land at 73 Vista Street, Sans Souci

1. *This clause applies to land at 73 Vista Street, Sans Souci, being Lots Lot 1 DP 320605, Lot 1 DP 1115986, Lot 489 DP 752056 and Lot 392 DP 752056;*
2. *The objective of this clause is to provide for additional floor space and height on the land to which this clause applies for the purposes of Seniors Housing;*
3. *Notwithstanding any other provisions, development for the purposes of Seniors Housing is permitted with development consent if the floor space ratio does not exceed 2.35:1 and the building height does not exceed RL 20.4.*
4. *Notwithstanding Clause 3 above; building height may exceed RL 20.4 to the extent that;*
 - 4.3 *There is a lift overrun to a maximum height of RL 21.6;*
 - 4.4 *There is a rooftop communal open space; the building height may exceed RL 20.4 to accommodate associated structures including parapets, planters, access, lifts and stairs subject to merit assessment*

6.3 Part 3 – Justification

The following section includes an assessment against the requirements in 'A guide to preparing local environmental plans' (April 2013) and 'A guide to preparing planning proposals' (October 2012) published by the former Department of Planning and Infrastructure.

The *Environmental Planning and Assessment Act 1979* (the Act) and the 2000 Regulation set out amongst other things, the:

- requirements for amending planning instruments;
- requirements regarding the preparation of a local environmental study as part of this process;
- matters for consideration when determining a development application; and
- approval permits and/or licenses required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in section 55 of the Act, in that it explains the intended outcomes of the proposed amendment to the instrument to which this Proposal relates. Further, it also provides justification and an environmental analysis of the proposal.

6.4 The Need for a Planning Proposal

The site has been the subject of consultation with Kogarah City Council to amend anomalies that relate to the site. In particular the Foreshore Building Line and the related W2 Recreational Waterway zoning are considered to be out dated as a result of land reclamation that has historically occurred on the site.

The building height and FSR proposed as part of the Additional Permitted Uses are the result of a thorough site and design analysis for a Seniors Housing development on site. This analysis by Marchese Partners led to the indicative scheme illustrated in the plans at **Appendix A**, and is the basis for the standards proposed within the Schedule 1 amendment.

6.4.1 Q1 – Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any specific strategic study or report. Rather, the proposal has sought to address a shortcoming of the zoning and other controls applying to the site to provide a single, consistent zoning and special provisions relating

to seniors housing only. The proposal, therefore, seeks to provide for development controls that facilitate this specific land use to encourage a housing typology and sector that is identified within key strategic planning documentation.

Through the New City Plan the proponent sought to address a number of anomalies that have historically existed on this site (as well as on adjoining sites). Kogarah City Council believed that the amendment of these LEP aspects was more suitably addressed through a new Planning Proposal.

This Planning Proposal has been initiated by the proponent so as to allow for the use of the site as Seniors Housing at a reasonable density and scale that will facilitate development for this use. This is considered to be consistent with the Metropolitan Plan, District Plan and local strategic planning documents in providing for housing diversity and increased housing for seniors.

The Planning Proposal has been driven by the New City Plan and several background papers, including the Kogarah Ageing Strategy (April 2013) and the Kogarah Housing Strategy (July 2014) which have sought to facilitate Seniors Housing within the Kogarah LGA.

The Kogarah Ageing Strategy determined that within the Kogarah LGA, approximately half of the households were 1 or 2 person households. It aims to ensure that older people in the City of Kogarah have a range of high quality and accessible services to meet their needs and proposed to support well planned and appropriate development of additional residential aged care facilities to meet projected increased demand. Sans Souci was acknowledged as one of the suburbs with the largest proportions of people aged 65 and over as well as one of the suburbs with the largest proportion of elderly people aged 85 and over.

The Kogarah Housing Strategy was a policy document that was developed to create a framework in which the former Kogarah Council could meet its housing targets over the 20-year period to 2031. Through consultation with the community it was determined within this report that a primary concern amongst residents and was that a range of housing choice was required to suit the different needs of people living in the Kogarah LGA.

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

Yes.

The Planning Proposal is the best means of achieving the objectives and intended outcome of the proposal. The amended zoning and Foreshore Building Line will regularise the site's planning controls and unlock its potential for redevelopment. Furthermore, the height and FSR of the indicative scheme (**Appendix A**) are unlikely to be supported under the existing development standards and therefore the provision of seniors housing would not occur.

In preparing this Planning Proposal, three particular options were considered to suitably allow for the development of this site for Seniors Housing. These options are listed below:

- Option 1: Do nothing
- Option 2: Simply rezone the W2 land to R2 Low Density Residential
- Option 3: Rezone W2 land to R2 Low Density Residential and amend the foreshore building line. Allow an additional permitted use which increases the height and FSR potential of the site to facilitate the development of a Seniors Housing development.

Option 3 was chosen as the most suitable way to achieve a future Seniors Housing development. The rezoning of the land and movement of the Foreshore Building Line is

simply correcting an historical anomaly that will allow the entire site to be developed. Irrespective of the specific height and FSR variations to allow for seniors housing these anomalies need to be rectified.

The amendment to the building height and FSR is considered a practical outcome to facilitate the Seniors Housing development whilst having a minimal impact on the surrounding properties. The provision of the controls within Schedule 1 allows for them to be applied for the purposes of seniors housing while ensuring they are not applied to any other form of development.

6.5 Relationship with Strategic Planning Framework

6.5.1 Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

State and Regional Strategic Framework

NSW State Plan 2021

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The Plan nominates one of the key challenges for the State as being the planning challenges that arise from continued population growth.

The rezoning and future redevelopment of the site is considered to be consistent with the State Plan as it will provide jobs and encourage housing diversity in a location that is close to nearby services and facilities.

A Plan for Growing Sydney

Released in December 2014, *A Plan for Growing Sydney* is the NSW Government's strategic metropolitan plan to guide growth across Sydney over the coming decades. The Plan identifies a substantial growth challenge and sets out a series of infrastructure programs and planning directions to facilitate this. Recent amendments to the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) introduced a new Part 3B of the Act which gives A Plan for Growing Sydney statutory effect as the primary strategic planning document for development in Sydney (Section 75A(2)(b)).

Table 2 – Consistency with A Plan for Growing Sydney

Goal/ Direction/Action	Comment
Goal 1: Sydney's Competitive Economy	The location of the Seniors Housing is in close proximity to the Hurstville and Kogarah strategic centres. The site is adjacent to the future F6 corridor which will provide increased access between Sydney and Wollongong.
Goal 2: Sydney's housing choices	This Planning Proposal seeks to improve housing choice through the provision of additional Seniors Housing.
Direction 2.1 – Accelerate housing supply across Sydney	The New City Plan was prepared to help Kogarah LGA accelerate housing supply and choice in meeting its dwelling targets and catering for an ageing population. This is addressed in more detail below (see Section 6.5.2)
Direction 2.2 – Accelerate urban renewal across Sydney – providing homes closer to jobs	The proposed housing will renew an existing single dwelling house site and cater for approximately 66 of elderly residents (assuming an average occupancy rate of 1.3 individuals per apartment), most of whom will no longer be participating in the workforce. It will however allow the turnover of existing housing stock currently occupied by those people. The majority of future residents are expected to be from the local community.
Direction 2.3: Improve housing choice to suite different needs and lifestyles	The Plan for Growing Sydney acknowledges that as the population ages, many people will choose to downsize their homes and that most of these people will prefer to remain in their communities. This Planning Proposal seeks to facilitate this.

	In particular this proposal has been developed in accordance with Kogarah's Housing Strategy which has sought to facilitate Seniors Housing with a focus on allowing it in foreshore locations.
Goal 3: Sydney's great places to live	Sans Souci is a well-established suburb that has been undergoing a transformation with a number of new developments over the past few years.
Direction 3.1 Revitalise existing suburbs	Research has found that focusing new housing within Sydney's established suburbs brings real benefits to communities. The facilitation of additional Seniors Housing on this site will lower infrastructure costs and ensure ageing residents can 'age in place' in purpose built accommodation and in continue to live in the local community rather than moving further away from their connections.
Goal 4: Sydney's sustainable and resilient environment	The development of this site will have direct connections with the Georges River and the parkland to the south of the site. These assets will be protected in the development and increasingly used by residents.
Direction 4.1: Protect our natural environment and biodiversity	The removal of the W2 Recreational Waterway zoning is not considered to detrimentally impact on the goals of this plan. The waterway boundary is a historical anomaly and has not existed in its mapped form for a number of decades. Any development of this site is unlikely to influence the natural systems along the coast. Maintaining a foreshore building line will ensure that building works will not impact on the natural foreshore processes
Sydney's Subregions	
South Subregion	The Planning Proposal is considered to be consistent with the priorities for the South Subregion including accelerating housing supply and choice in accordance with local strategic plans

A Plan for Growing Sydney is the foundation for achieving region-wide outcomes in relation to the economy and employment; centres and corridors; housing and transport; environment; parks and implementation and governance for Sydney. The goals which support the overarching vision for Sydney to become a strong global city and great place to live are:

- *A competitive economy with world-class services and transport;*
- *A city of housing choice with homes that meet our needs and lifestyles;*
- *A great place to live with communities that are strong, healthy and well connected; and*
- *A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

NSW Long Term Transport Master Plan 2012

The NSW Long Term Transport Master Plan 2012 has the aim of better integrating land use and transport. A Plan for Growing Sydney has been prepared to integrate with the Long Term Transport Master Plan.

In this way, the potential for Seniors Housing is located nearby to bus stops which provide access to nearby strategic centres and the St George Hospital. Community Transport options are available throughout the St George District, with the master plan having a clear focus to strengthen these services. Additionally, the St George Motor Boat Club offers a courtesy bus to members and guests of the club. The close proximity to bus stops is consistent with this standard in the Seniors Housing SEPP that is within 400 metres (see **Figure 6**), and with suitable footpath gradients between the bus stops and the site.

Draft South District Plan

The Draft South District Plan was released by the Greater Sydney Commission on the 21st November 2016. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) this District Plan is given legislative weight and should be used by local governments to inform:

- The preparation of local environmental plans;
- The assessment of Planning Proposals; and

- Strategic land use planning

The Draft South District Plan sets out the priorities and actions required to realise the vision for the area that includes the Canterbury-Bankstown, Georges River and Sutherland Shire local government areas.

The Draft District Plan includes a demographic analysis of the entire district. The South District is said to be growing proportionally slower than the Greater Sydney average. The greatest proportional growth will be in the 85+ age group. Furthermore, the growth in the number of people over 65 will account for almost 34% of the entire District's population growth over the next 20 years to 2036.

The Draft District Plan recognises the need strengthen the diversity of housing providing opportunities for people to stay in their local area as they get older, plan for health network services and provide convenient access to day to day needs. The location of Seniors Housing in a location adjacent to a community club (the St George Motor Boat Club) as well as being a short distance away from a major hospital (St George) and a number of local and strategic centres means this site is consistent with this direction of the Draft South District Plan.

This South District is well serviced with health infrastructure in the form of the St George Public and Private Hospitals and with future planned investments in Sutherland Hospital as well as private hospitals in Hurstville. These facilities are not only important employment generators; they also will cater for the increasingly ageing population of the district.

6.5.2 Q4 – Is the planning proposal consistent with a Council's local strategy and other local strategic plan

The former Kogarah City Council has prepared a number of key strategic planning documents that outline a direction to encourage and facilitate Seniors Housing within the LGA. Demographic data illustrates an ageing population and the Kogarah Ageing Strategy has demonstrated that many of this demographic group hope to stay within their area. The New City Plan, the Ageing Strategy and the Housing Strategy all demonstrate the need for additional Seniors Housing in this area.

Kogarah City Council 'New City Plan'

A New Plan for Our City (New City Plan) is a Planning Proposal instigated by the former Kogarah City Council in response to the need to find additional housing opportunities in the local government area, particularly for the ageing population. The Planning Proposal was developed to address many of the shortcomings the Kogarah LEP had in since its transferral to the Standard Instrument LEP. The Planning Proposal also sought to implement the recommendations of the following documents:

- Kogarah 2031 Housing Strategy;
- Kogarah Employment Lands and Economic Development Strategy; and the
- Open Space Review.

One of the most relevant aspects of the New City Plan was the inclusion of provisions to facilitate Seniors Housing. This will mainly be facilitated through the removal of the E4 Environmental Living zoning and the introduction of local provisions for Seniors Housing. Seniors Housing is to be inserted as a permissible use within the R2 Low Density Residential zoning.

Kogarah Strategic Planning Documents

Kogarah Ageing Strategy

Kogarah City Council developed an 'Ageing Strategy' to suitably cater for their population which was increasingly becoming older proportionally. By 2031 it is

estimated that there will be approximately 13,610 people aged over 65 within the former Kogarah City Council area. This encompasses 22% of the total population.

To cater for these individuals, the council has prepared the ageing strategy with a few key objectives including:

- Ensuring older people in the City of Kogarah have a range of high quality and accessible services to meet their needs;
- Support well planned and appropriate development of additional residential aged care facilities to meet projected increased demand;
- Provide park and recreation facilities and infrastructure that meets the needs of our community; and
- Address the limitation of physical land available under appropriate zoning that will allow for further villa, townhouse or over 55's developments.

Kogarah Housing Strategy 2031

The Kogarah Housing Strategy 2031 has been developed to create a framework in which the former Kogarah Council could meet its housing targets over the 20 year period to 2031. This included the primary concern amongst residents and staff that a range of housing choice was required to suit the different needs of people living in the Kogarah LGA.

This strategy determined that within the Kogarah LGA, approximately half of the households were 1 or 2 person households. This was attributed to a range of factors including the significantly ageing population. Household size is projected to continue to decline over the coming decades and this will require more housing to simply maintain the status quo.

Sans Souci is acknowledged as one of the suburbs with the largest proportions of people aged 65 and over as well as one of the suburbs with the largest proportion of elderly people aged 85 and over. Given the previous acknowledgement within A Plan for Growing Sydney that residents prefer to be able to stay in their local area as they age, it is essential that suitable housing is provided to meet the escalating demand in Sans Souci and the District.

6.6 Relationship to Statutory Planning Framework

6.6.1 Relevant Legislation and Regulations

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulations 2000* set out amongst other things the:

- Requirements for rezoning land;
- Requirements regarding the preparation of a local environmental study as part of the rezoning process;
- Matters for consideration when determining a development application; and
- Approval permits and/or licenses required from other authorities under other legislation.

This Planning Proposal has been prepared in accordance with the requirements set out in Section 55 of the EP&A Act in that it explains the intended outcomes of the proposed instrument. It also provides justification and an environmental analysis of the proposal.

6.6.2 Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?

State and Regional Statutory Framework

The consistency of the Planning Proposal with the relevant State Environmental Planning Policies (SEPPs) is addressed in **Table 3** below.

Table 3 – Consistency against SEPPs

State or Regional Policy	Consistent			Comment
	YES	NO	N/A	
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to the Kogarah LEP
State Environmental Planning Policy No. 55 – Remediation of Land	✓			SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk and harm to human health or any other aspects of the environment. In particular, it requires the consent authority to consider if remediation work is required for rezoning land or building works, and ensure that the subsequent remediation works are satisfactory with respect to standards and notification requirements. Will comply.
SEPP No. 65 Design Quality of Residential Flat Development	✓			The indicative architectural scheme has been designed in accordance with SEPP 65 and the Apartment Design Guide and any future DA will need to demonstrate compliance with the standards contained in this SEPP. To comply.
SEPP (Affordable Rental Housing) 2009			✓	Not applicable to this proposal
State Environmental Planning Policy (Building Sustainability Index) BASIX 2004			✓	Any future DA would be subject to the requirements of the BASIX SEPP. To comply.
SEPP (Exempt and Complying Development Codes) 2008			✓	Not applicable to this proposal
SEPP (Infrastructure) 2007			✓	Not applicable to this proposal
SEPP (State and Regional Development) 2011			✓	Not applicable to this proposal
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)	✓			A preliminary assessment has been undertaken against the Seniors Housing SEPP. The Seniors Housing would be defined within the SEPP as self-contained dwellings. The indicative architectural scheme has been designed in such a way as to ensure that the project can meet the various standards for Seniors Housing. To comply.

Local Statutory Framework

Kogarah LEP 2012

The Planning Proposal's consistency with the overall aims of the Kogarah LEP 2012 is demonstrated in **Table 4** below.

Table 4 – Consistency with the overall aims of Kogarah LEP 2012

Aim	Proposal	Consistency
a) to guide the orderly and sustainable development of Kogarah	The Planning Proposal seeks to set out controls that will provide certainty for the orderly development of land.	✓
b) to encourage a diversity of housing choice suited to meet the needs of the current and future residents of Kogarah	The council has acknowledged throughout recent strategic planning documents that there is a need to plan for and deliver more Seniors Housing. This Planning Proposal seeks to facilitate the range of housing and provide suitable accommodation for the current residents of the area as they age into the future.	✓
c) to promote economic development and facilitate the continued growth of commercial, medical-related and industrial employment-generating opportunities	The proposal will facilitate the redevelopment of the site and therefore promote economic development through an increase in construction jobs. The facilitation of Seniors Housing will increase visits to the adjoining motor boat club and to the local Sans Souci centre.	✓
d) to protect and enhance Kogarah's natural environment, foreshores and waterways	The foreshore area will be protected within and throughout any future development. The reduction in land zoned W2 Recreational Waterway is to correct a historical anomaly.	✓
e) to provide high quality open space and a range of recreational areas and facilities suited to meet the needs of the residents of Kogarah and its visitors	The indicative architectural scheme has provided for recreational facilities on site.	✓
f) to conserve Kogarah's environmental heritage	Not applicable. No impact on any heritage items.	✓

The Planning Proposal's consistency with the objectives of the R2 Low Density Residential zone is demonstrated in **Table 5** below.

Table 5 – Assessment against the R2 Low Density Residential Objectives

Objective	Proposal	Consistency
To provide for the housing needs of the community within a low density residential environment	The proposal seeks to facilitate a greater amount of land zoned as R2 Low Density Residential in a location that is directly connected to, and shares common characteristics, with land that will soon be zoned R2 Low Density Residential. This proposal will permit a higher density only for the purposes of Seniors Housing, which is recognised as a being seriously underprovided for within this LGA.	✓
To enable other land uses that provide facilities or services to meet	Not applicable to this proposal	N/A

the day to day needs of residents		
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6.6.3 Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The Planning Proposal is consistent with the relevant directions for Planning Proposals issued by the Minister for Planning under Section 117(2) of the EP&A Act.

Ministerial Directions

Ministerial Directions under Section 117 of the EP&A Act set out a range of matters to be considered when preparing an amendment to a Local Environmental Plan. The relevant Section 117 Directions for this Planning Proposal have been outlined at **Table 6** below.

Table 6 – Assessment against 117 Directions

Ministerial Directions	Consistent			Comment
	Yes	No	N/A	
Employment and Resources				
1.1 Business and Industrial Zones			✓	Not applicable
1.2 Rural Zones			✓	Not applicable
1.3 Mining, Petroleum Production and Extractive			✓	Not applicable
1.4 Oyster Aquaculture			✓	Not applicable
1.5 Rural Lands			✓	Not applicable
Environment and Heritage				
2.1 Environment Protection Zones	✓			The New City Plan has sought to remove the E4 Environmental Living zone. The amendment to the W2 zone will be mitigated through the continued inclusion of a Foreshore Building Line.
2.2 Coastal Protection			✓	Not applicable. The site is not mapped as being a Coastal Zone as defined in SEPP 71 and the Coastal Protection Act 1979.
2.3 Heritage Conservation			✓	Not applicable
2.4 Recreation Vehicle Areas			✓	Not applicable
Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			This planning proposal will encourage a greater diversity of housing type in this locality, which is acknowledged as having a shortage of suitable Seniors Housing. The site is well serviced for utilities and other infrastructure.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable
3.3 Home Occupations			✓	Not applicable
3.4 Integrating Land Use and Transport	✓			The proposal locates increased residential accommodation close to

				bus services in an existing urban area.
3.5 Development Near Licensed Aerodromes			✓	Not applicable
3.6 Shooting Ranges			✓	Not applicable
Hazard and Risk				
4.1 Acid Sulfate Soils	✓			The site is mapped as potentially having Class 2 Acid Sulfate Soils. A Geotechnical Report has been prepared and attached to this Planning Proposal (Appendix F) which demonstrates that the risk of Acid Sulfate Soils being exposed is low.
4.2 Mine Subsidence and Unstable Land			✓	Not applicable
4.3 Flood Prone Land			✓	Not mapped as being flood prone land
4.4 Planning for Bushfire Protection			✓	Site is not mapped as being bushfire prone land.
Regional Planning				
5.1 Implementation of Regional Strategies			✓	See comments above on District Plans. No Regional Plans apply.
5.2 Sydney Drinking Water Catchments			✓	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast			✓	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast			✓	Not applicable
5.8 Second Sydney Airport Badgerys Creek			✓	Not applicable
5.9 North West Rail Link Corridor Strategy			✓	Not applicable
Local Plan Making				
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed
6.2 Reserving Land for Public Purposes			✓	No new road reservation is proposed
6.3 Site Specific Requirements	✓			This Planning Proposal will seek to facilitate a Seniors Housing development in accordance with the indicative architectural plans. However this does not unnecessarily restrict the land that is zoned residential. Low density residential development in the form of Dwelling houses and dual occupancies would continue to be permitted. . Residential flat buildings would remain prohibited.
Metropolitan Planning				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent with the

				objectives and strategies of A Plan for Growing Sydney (see Section 6.5.1)
7.2 Implementation of Greater Land Release Investigation			✓	Not applicable

6.7 Environmental, Social and Economic Interests

6.7.1 Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

This Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats. The Georges River will not be impacted by the reduction in land zoned W2 Recreational Waterway given the land reclamation that realigned the foreshore line is a historical relic that has existed for a number of decades.

The continued inclusion of a Foreshore Building Line (in an amended location) will ensure that any future residential development will not impact on natural foreshore processes or affect the significance or amenity of the area.

6.7.2 Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A Geotechnical Assessment (**Appendix F**) has been prepared and attached to this report. It gives an indication of the likely impacts and constraints on any future development of the site. This report is further addressed in **Section 7.5**.

A Phase 1 Contamination Report has been commissioned and is intended to be submitted prior to exhibition of the Planning Proposal should it proceed through the Gateway.

However the site is currently considered to be an urban residential site and the future land use will still be in accordance with this use. The rezoning of the W2 Recreational Waterway will not impact on the Georges River as the land shares the characteristics of the rest of the site that is soon to be zoned R2 Low Density Residential.

6.7.3 Q9 - Has the planning proposal adequately addressed any social and economic effects?

The proposed development will result in positive social and economic effects for the local area through the generation of local employment opportunities during construction and potentially for domestic and health related services, as well as through the provision of suitable Seniors Housing that will cater for the locally ageing population in a location that is nearby to facilities and services.

The Social Impacts of the proposal have been assessed in greater depth in **Section 7.7**.

6.8 State and Commonwealth Interests

6.8.1 Q10 – Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to a range of existing facilities and services. The development application for Seniors Housing will require further investigation of the likely provision of services that will be required, in accordance with the provisions of the Seniors Housing SEPP.

The site is well sited in terms of its proximity to bus stops, the St George Motor Boat Club and local health infrastructure

6.8.2 Q11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal as part of its formal exhibition period. At this stage the Planning Proposal is not considered to be of a scale that would require preliminary discussions with these authorities.

Any future Development Application will be referred to the relevant authorities as required.

6.9 Part 4 – Mapping

Maps of the proposed amendments to the LEP land use zone and foreshore building line controls applying to the site have been provided and are located at **Appendix C**.

6.10 Part 5 – Community Consultation

It is proposed that in accordance with '*A guide to preparing local environmental plans*' that the Planning Proposal undergo a 28 day public exhibition period. It is noted that confirmation of the public exhibition period and requirements for the Planning Proposal will be given by the Minister as part of the LEP Gateway determination.

Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the public and any authorities would have the opportunity to make further comment on the proposal.

7.0 Assessment of Planning Issues

This section considers the key planning issues associated with the Planning Proposal as well as those associated with a future development.

In establishing the Planning Proposal, an indicative scheme and montages of the scheme were prepared by Marchese Partners to ensure that all relevant built form, separation, amenity, and design parameters have been considered, and to establish a reasonable scale and density for this type of development on this particular site. Accordingly the outcomes of these investigations and analysis (**Appendix A**) have largely guided the content of this Planning Proposal.

In order to provide Georges River Council and the community with greater certainty of the future built form, a Proposed Site Specific DCP has been prepared by JBA (**Appendix E**). This Proposed DCP provides a building envelope, setbacks and particular controls that are proposed to guide the design and assessment of a future DA for Seniors Housing development. It would not apply to other forms of development.

By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA) can be tested, understood and clearly presented.

7.1 High Water Mark

The extent of the W2 Recreational Waterways zoning does not reflect the existing characteristics of the site. As illustrated within **Figure 11**, the zone largely follows the historic mean high water mark. Due to land reclamation that has historically occurred, this mean high water mark now incorrectly encroaches between 15-32 metres into the site from the actual Kogarah Bay waters edge.

The existing landform suggests that this portion of the site has been filled, with a retaining seawall built along the current western edge of the site. Therefore the current true mean high water mark is located further west towards Kogarah Bay, aligning with the current seawall and subdivision boundary.

The New City Plan will see the eastern portion of the site, currently zoned E4 Environmental Living, be rezoned to R2 Low Density Residential. Given the historical reclamation that has occurred on the western half of the site, it is considered suitable to correct this anomaly and consistently zone the whole of the site.

This zoning change also reflects current land use of the land for private open space and garage uses associated with the existing dwelling house.



Figure 11 – Aerial and cadastral map of the site with KLEP 2012 Foreshore Building Line and Foreshore Area overlay

Source: Nearmap, KLEP 2012 Foreshore Building Line Map

In addition to rezoning the W2 portion of the site; this Planning Proposal seeks to shift the Foreshore Building Line to the west and that the depth of the Foreshore Area (being the area between the mean high water mark and the Foreshore Building Line) is set at 7.6 metres from the western property boundary of the site. This will more accurately reflect the land title situation and physical characteristics of the land.

Additionally, the increased average depth of the Foreshore Area will help minimise the impact of any future building on the natural foreshore processes and allow for landscaping to soften the visual impact of future development.

7.2 Built Form

The resulting built form has been addressed within the indicative scheme prepared by Marchese Partners (**Appendix A**). A Proposed Site Specific DCP has been prepared (**Appendix D**) that will provide certainty to the future built scale, massing and form.

The site area falls nearly 7 metres from Vista Street down towards the water's edge. This minimises the visual impact of the development when viewed from Vista Street. This topography minimises the impact of the development when viewed from Vista Street. The maximum building height has been set as reduced levels (RL) rather than height in metres or storeys to ensure that the form as viewed from Vista Street and the adjacent private dwellings is known.

Furthermore, the application of the R2 Low Density Residential zoning consistently across the site will facilitate a Seniors Housing development, whilst continuing to prohibit the development of a Residential Flat Building. This will provide clarity over the future use of the site and allay any concerns that a future DA would be lodged for the purposes of residential apartments in the form of a Residential Flat Building negating the public benefit intended to be derived from seniors housing.

7.3 Residential Amenity

The design of the indicative scheme has taken into account the local context to minimise the impact on neighbouring properties as much as possible. Setbacks have taken into account the streetscape and have maximised the setback to the north to allow for a view corridor from the dwellings on the eastern side of Vista Street to the water and to allow good solar access to the future dwellings. Landscaping will be included to soften the built form and minimise the visual impact.

The proposed setback from the northern boundary is a minimum of 6 metres to the apartments and 4.75 metres to balconies. Setbacks have been minimised to the south of the site towards Anderson Park to provide a building form that offers passive surveillance of the park and to maximise the northern setback.

The maximum building height has been set at RL 20.4. As the land rises from the Georges River the number of storeys decreases, with only three storeys facing Vista Street. In addition, common space has been provided on the roof level facing the street to reduce the height of the building when viewed from this direction. As a result, the development will appear as a 3 storey building when facing Vista Street. This will ensure the building is developed in a manner that sits comfortably within the existing streetscape. The streetscape character will be further enhanced by landscaping within the street boundary setback.

A view analysis prepared by Marchese Partners illustrates the impact of the indicative scheme on the properties to the east, being 66, 68 & 70 Vista Street. An increased setback within the northern setback allows for an improved view corridor. The height of the building will have an impact on the front on views. However, the view above the current building is not considered to be the predominant view corridor through to the water. Views over Anderson Park to the south will be maintained and are consistent with both the existing and compliant schemes.

The indicative scheme prepared by Marchese Partners includes a landscaping concept that seeks to maximise open space, soften the built form and minimise the visual impact on the only adjoining residential property, 71 Vista Street to the north.

7.4 Traffic, Parking and Access

The indicative scheme (**Appendix A**) provides for 51 Seniors Housing units and 70 car parking spaces. These car spaces are proposed to be constructed underground with direct access to a lift from all car parking levels. This amount of car parking will ensure the development does not result in parking 'spill over' onto the local road.

The St George Motor Boat Club demonstrates that Vista Street & Wellington Street is capable of catering for an increasing level of traffic. Wellington Street connects directly to Rocky Point Road, being a state road, at a signalised intersection. The proposed Seniors Housing will have a lower level of traffic movements, particularly peak hour movements, compared to the Boat Club, which appears to provide sufficient car parking for members and guests.

Given the scale of the likely future development and the nature of the housing for seniors, a traffic study was not deemed to be required at this stage.

It is expected that Council would require any future DA be accompanied by a traffic study to demonstrate that the access and car parking is suitable for the proposed scale of the development, and the level of traffic can be accommodated satisfactorily without adversely affecting local intersection performance

7.5 Contamination and Geotechnical Site Investigation and Assessment

A Geotechnical Investigation was undertaken by STS GeoEnvironmental (**Appendix E**). Field testing was undertaken with the drilling of four boreholes across the site.

These four boreholes were spaced evenly throughout the site to provide a suitable indication of site conditions.

Subsurface conditions were found to generally consist of fill above clayey sands, sandy clays and weathered sandstone. Importantly, fill was found to be present in all boreholes to depths of 0.5 to 0.8 metres. The discovery of fill on the waterside portion of the site is unsurprising, given the historical high water mark, and the manufactured seawall.

Due to the presence of filling on part of the site a contamination assessment has been commissioned to determine the suitability of the site for more intensive residential development.

The Contamination Assessment is will be lodged with Council prior to exhibition of the Planning Proposal.

7.6 Flooding

The site has not been mapped as being located within the flood planning area by the Kogarah LEP 2012. The amendment of the W2 Recreational Waterway land use zone will not impact on the flooding potential of the site, but rather it will align the residential zone with the existing mean high water mark.

The site does not have a history of flooding. An analysis of the soil was undertaken as part of the Geotechnical Report as prepared by STS GeoEnvironmental (**Appendix E**). This report found ground water at depths of 1.2 metres to 1.3 metres below ground level.

7.7 Social Impact

The former Kogarah City Council has released the Kogarah Ageing Strategy, the Kogarah Housing Strategy and then finally the New City Plan all of which sought to facilitate the development of Seniors Housing in the LGA.

The LGA acknowledged that it had an increasing population and an ageing population, most of who hoped to 'age in place' in their current suburb or locality. The ageing strategy has determined that Sans Souci itself will cater to a greater proportion of residents above 65 as well as residents above 85.

The suburb can adequately provide services and facilities that will suitably cater for a Seniors Housing population. Shops, a General Practitioner, community services, banking facilities and other retail and commercial services are all located within a short distance of Vista Street. Slightly further afield are a number of strategic centres and major hospitals that are only a short drive or bus trip away. **Figure 5** demonstrates that the two local bus stops are located at a distance of less than 400 metres along a suitable access pathway.

7.8 Public Benefit

There is a well-documented need for greater housing diversity and more Seniors Housing within this area. This will allow for existing residents to 'age in place' within their community in a location that is adjacent to the facilities of the St George Motor Boat Club and within a short distance of shops and medical facilities.

There is an increasing understanding of the benefits of allowing older people to continue to live independently in their community. This idea, known as ageing in place, acknowledges the interrelationship between health concerns and housing concerns. In a locality that Kogarah City Council has acknowledged as facing a greater proportion of individuals aged over 65, it is imperative to facilitate the development of Seniors Housing.

Despite this, it is often expensive to construct Seniors Housing given the standards set by Schedule 3 of the Seniors Housing SEPP as well as those listed within the Building Code of Australia and the relevant Australian Standards. The development of the site to a suitable scale is required to facilitate this form of housing. In this regard, the increase in height limit and FSR on the site is necessary to deliver the public benefit.

8.0 Conclusions and Recommendation

The former Kogarah City Council has consistently referred to the need to facilitate a range of housing stock, especially Seniors Housing, over the coming decades. Sans Souci has particularly been recognised as being a location with a rapidly ageing population. The ability to allow that population to 'age in place' is integral to their overall health and the community as a whole.

The subject site is large enough and has a number of characteristics that make it particularly suitable for Seniors Housing within this community. This Planning Proposal rectifies a zoning anomaly by removing the inappropriate W2 Waterways zone on the western side of the site. It also proposes development controls that will encourage a Seniors Housing development **only** at the increased height and density. Without this a Seniors Housing development is unlikely to occur, and this unique opportunity will be lost.

This Planning Proposal is considered justified for the following reasons:

- The proposal is considered consistent with the metropolitan, district and local strategic planning frameworks that emphasise the need to provide housing diversity, especially in catering for an increasingly ageing population;
- The proposal is consistent with the applicable SEPPs;
- Our preliminary analysis of the concept scheme has concluded that the proposal is unlikely to have any significant adverse environmental impacts;
- The proposed rezoning and amendment to the Building Foreshore Line will simply correct a historical anomaly;
- It does not seek to rezone the RE1 Public Recreation portion of private land that could be dedicated to Council in the form of a contribution; and
- There is significant public benefit in providing site specific controls that permit the economically viable delivery of seniors housing

A development concept has been prepared that takes into account the opportunities and constraints of the site. The LEP amendments described in this report will ensure consistency across the site and are necessary to ensure that the public benefits of Seniors Housing can be realised.

In light of the above, we recommend that the Planning Proposal proceed through the Gateway process to public exhibition.