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27 July, 2017

Mr Tom Nanevski
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Reference is made to the Planning Proposal submitted on 9 March 2017 for Nos 73 Vista Street (Lot 1, DP320605; Lot 1, DP1115986; Lot 489, DP752056; Lot 392, DP752056; Lot 1, DP181450), Sans Souci seeking consideration of a rezoning of the property from W2 – Recreational Waterways to R2 – Low Density Residential.

The Planning Proposal also seeks the following amendments to Kogarah LEP 2012:

- Amending the foreshore building line (FBL) to realign from the new boundary line of the R2 – Low Density Residential zone, at a depth of 7.6m; and
- Amend Schedule 1 to include a provision that allows for additional height and FSR where the development is for the purpose of Seniors Housing.

In accordance with Council's policy on the consideration of Planning Proposals, the application was referred to the Design Review Panel (DRP) on 6 July 2017. Attached for your information is a copy of the DRP Minutes.

Further to the preliminary assessment undertaken by Council and Council's advice provided in correspondence dated 17 March, 2017 and the comments made by the DRP, Council considers that the Planning Proposal, in its current form cannot be supported.

As stated previously, the proposal, in its current form (height and FSR) is completely out of context with the surrounding built environment and the character of the R2 – Low Density Residential zone. As outlined previously, the height of the proposed development fronting Vista Street should be reviewed to be consistent with the height of buildings in the R2 – Low Density Residential zone (Kogarah LEP 2012).

The height and siting of the proposed development to the rear of the site is also considered excessive and out of context with the surrounding character of Vista Street.

Council's recently gazetted amendment to Kogarah LEP 2012 (Amendment No. 2) acknowledges that there is a need to increase the supply and diversity of Seniors Housing in the R2 – Low Density Residential zone and includes specific provisions for the development of seniors housing in the form of self-contained dwellings (Clause 6.8 – Seniors housing –self-contained dwellings in Zone R2) subject to meeting the following criteria:

- (a) *the total site area is not less than 1,000 square metres, and*
- (b) *the street frontage of the site is not less than 20 metres (measured at the building line), and*
- (c) *the building height does not exceed 8 metres, and*
- (d) *the floor space ratio of buildings on the site does not exceed 0.5:1, and*
- (e) *the proposed development provides for not less than one car parking space in respect of each dwelling, and*
- (f) *the proposed development complies with the standards set out in Schedule 3 to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, and*
- (g) *a condition is imposed by the consent authority to the effect that only seniors may occupy any accommodation to which the application relates, and*
- (h) *the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to seniors.*

Council considers that the following options are available with respect to the consideration of the Planning Proposal:

Option 1 – Amendment of the Planning Proposal

As previously advised, the Planning Proposal in its current form (proposed height and FSR) cannot be supported by Council officers. This view is also supported by the Design Review Panel.

It is considered that the following components of the Planning Proposal could be supported by Council:

- Rezoning Lot 392, DP752056 and part of Lot 489, DP752056 from W2 - Recreational Waterways to R2 - Low Density Residential, with an amendment to the area that is currently identified as the wet dock - this should be retained as W2 - Recreational Waterway; and
- Amending the foreshore building line (FBI) to realign from the new boundary line of the R2 - Low Density Residential zone, at a depth of 7.6m

Option 2 – Withdrawal of the Planning Proposal

As previously advised, you may wish to withdraw the Planning Proposal. If the Planning Proposal is withdrawn, Council will refund 40% of the original Planning Proposal fee (\$8,000).

Option 3 – Report to IHAP and Council

Council will prepare a report on the Planning Proposal and documentation submitted in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, and *Environmental Planning and Assessment Regulation 2000* and any relevant policy documents prepared by the NSW Department of Planning & Environment.

This report will be prepared and forwarded to Council's Independent Planning & Assessment Panel (IHAP) for consideration and Council for a resolution. It should be noted however, that for the reasons outlined above and previously, Council's Strategic Planning staff are unlikely to support the Planning Proposal in its current form.

You are advised that should a report be prepared and presented to IHAP/Council, regardless of the outcome, no refund of fees will be given.

You are requested to advise Council in writing as to how you wish to proceed within 14 days of the date of this letter. Should Council not receive a response **by Friday 11 August 2017**, Council will assume that you wish to allow Council to proceed with the assessment and preparation of a report to the IHAP/Council.

Please do not hesitate to contact Council's Coordinator Strategic Planning, Rita Vella on 9330 9437 should you wish to discuss this matter or require any additional information.

Yours faithfully



Catherine McMahon
Manager – Strategic Planning