

REZONING REVIEW – Briefing Report

Date of Referral:	22 November 2017	
Department Ref. No:	RR_2017_GRIVE_001_00	
LGA:	Georges River	
LEP to be Amended	Kogarah Local Environmental Plan 2012	
Address:	73 Vista Street, Sans Souci	
Reason for review:	<input checked="" type="checkbox"/> Council notified the proponent that it will not support proposed amendment	<input type="checkbox"/> Council failed to indicate support for proposal within 90 days, or failed to submit the proposal after indicating its support
Is a disclosure statement relating to reportable political donations under s147 of the Act required and provided?	<input type="checkbox"/> Provided <input checked="" type="checkbox"/> Not required Comment: no donations or gifts to disclose.	

SUMMARY OF THE PROPOSAL

Background

- The rezoning review request has been submitted by Nanevski Development Pty Ltd (c/- Ethos Urban) (**Attachment F**) to amend Kogarah Local Environmental Plan (LEP) 2012 to enable the redevelopment of 73 Vista Street, Sans Souci for seniors housing purposes.
- A concept design for the proposed development has been submitted with the request and comprises up to 48 seniors housing units within a 4–6 storey residential complex with basement car parking.
- The rezoning review request has been submitted as Georges River Council has resolved not to support the planning proposal.

Locality and context

- The site is approximately 22km south of the Sydney central business district and 9.7km south of Sydney International Airport.
- The site fronts Georges River to the west and Vista Street to the east.
- Development surrounding the site to the north and east generally comprises one-storey or two-storey residential dwellings. The southern boundary of the site adjoins a public reserve. Adjoining this public reserve is the St George Motor Boat Club.

Site description

- The site is made up of four allotments known as Lot 1 DP 320605, Lot 1 DP 1115986, Lot 489 DP 752056 and Lot 392 DP 752056 and is approximately 2,106m² in area.
- Lot 1 DP181450 is listed under the application documentation as forming part of the site; however, Council and the proponent have confirmed this is an error.

- There is a two-storey brick residential dwelling and small brick shed located on the western portion of the site.
- A large shed and garage and associated wet dock are located on the eastern portion of the site. A jetty extends into the Georges River from the site's western boundary.

Current planning provisions

- The initial planning proposal request was lodged with Council in March 2017.
- The land-use zones and controls applying to the land at the time of submission were updated on 26 May 2017 through the gazettal of Kogarah LEP 2012 Amendment No. 2 - New City Plan.
- The current land-use zones and development standards that apply to the site are:
 - part W2 Recreational Waterways and part R2 Low Density Residential;
 - a maximum building height of 9m for the R2 zoned portion of the site; and
 - a maximum permissible floor space ratio (FSR) of 0.5:1.
- The site is in area 1 of the Kogarah LEP 2012 FSR map. Clause 4.4A applies a sliding scale FSR to the site of approximately 0.28:1.
- The site is also identified as being affected by the foreshore building line (FBL).

Proposed planning provisions

- To achieve the intended outcome, the proposal seeks to amend the LEP by:
 - rezoning part of the site from W2 Recreational Waterways to R2 Low Density Residential;
 - realigning the FBL along the front of the site, being the new R2 Low Density Residential Zone boundary; and
 - amending Schedule 1 to include a provision that allows for additional height and FSR where seniors housing is proposed. These controls include:
 - permitting a maximum building height of up to RL20.4, up to RL21.6 for any lift overrun and exceeding RL20.4 subject to merit assessment for any structures associated with a rooftop communal open space; and
 - permitting an increase in the permissible FSR up to 2.35:1.
- As noted above, the current height controls under the LEP allow buildings up to 9m. The proponent is seeking to apply a RL height limit to manage the slope of the land. The proposed RL 20.4 would appear approximately 2m higher than the current 9m height limit when viewed from Vista Street.
- The rezoning review request confirms that revised plans were submitted to Council prior to it making a resolution on the matter and based on feedback from Council staff. The revised plans include marginally greater heights (maximum 40cm higher than the initial concept design), a reduced FSR to 1.6:1, fewer dwelling units (32 seniors living units) and increased building setbacks.
- Council staff indicated that the revised concept and plans were not considered by Council as its internal reporting had been completed for the elected Council review. Despite these revisions, Council staff have indicated that the proposal is still not supported. This is discussed later in this report.

INFORMATION ASSESSMENT

Does the proposal seek to amend a zone or planning control that is less than five years old?

- Yes. The controls that apply to the site were reviewed under the Kogarah New City Plan, which was finalised on 26 May 2017.

STRATEGIC MERIT TEST

Consistency with the relevant regional plan outside of the Greater Sydney Region, district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Proponents will not be able to depend on a draft regional, district or corridor/precinct plan when the Minister for Planning, Greater Sydney Commission or Department of Planning and Environment have announced that such a plan will be updated before being able to be relied upon.

Revised Draft South District Plan

- The site is not identified in the plan as a strategic or local centre.
- *Planning Priority S3 - Providing services and social infrastructure to meet people's changing needs* under the plan confirms that 19 per cent of the district's population is predicted to be aged 65 or over in 2036, up from 15 per cent in 2016.
- The plan notes that more compact housing types and medium-density housing will contribute to opportunities for older people to continue living in their community.
- The rezoning review request states that it is consistent with the plan and particularly Planning Priority S3 given that the site is close to a community club (the St George Motor Boat Club), hospitals (including St George, Sutherland and other private hospitals in Hurstville) and several local and strategic centres.
- The proposal also states that it meets the requirements of the NSW State Plan 2021, A Plan for Growing Sydney, Our Greater Sydney 2056 (A Metropolis of Three Cities – Connecting People), NSW Long Term Transport Master Plan and Draft Future Transport Strategy 2056. These plans do not form part of the strategic merit test.

Consistency with a relevant local strategy that has been endorsed by the Department.

- There are no Department-endorsed local growth strategies that apply to the site.

Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

- The request notes that it is responding to changes in ageing demographic trends that have not been recognised by existing planning controls.
- The Kogarah City Plan was a LEP amendment and applies the current LEP zones and controls over the site and wider area. This LEP amendment included a new provision for encouraging and managing seniors housing on land zoned R2 Low Density Residential.

SITE-SPECIFIC MERIT TEST

The natural environment (including known significant environmental values, resources or hazards).

- The rezoning review request states that there are no known significant environmental values, resources or hazards that would preclude redevelopment of the site for seniors housing purposes.
- The application states that the site is being used for residential purposes, is not flood prone, that redevelopment will not impact the Georges River foreshore and that geotechnical and contamination testing has confirmed that the site can accommodate the development.
- Council has not raised concerns regarding environmental values, resources or hazards.

The existing uses, approved uses and likely future uses of land in the vicinity of the proposal.

- The rezoning review request states that the design concept has been prepared to:

- respond to the surrounding built form and local topography by providing a design concept that would appear as a two-storey building from Vista Street; and
- minimise impacts on neighbouring properties through generous setbacks and landscaping while maintaining views to the Georges River.
- The proposal is supported by a view analysis prepared by Marchese Partners, which indicates that views through the site to Georges River can be maintained.
- Council does not support the proposed residential flat building typology or its proposed bulk and scale. Council has indicated that the area is characterised by low density, one-storey to two-storey detached dwelling houses, and that this character is not likely to change in the foreseeable future given that the low-density controls applying to the area were recently reviewed and applied through the Kogarah LEP 2012 Amendment No. 2 - New City Plan.

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

- The rezoning review notes that the site is in an established urban area and has access to a range of facilities and services including bus stops, the St George Motor Boat Club and local health infrastructure.
- Council has not raised concerns regarding servicing infrastructure; however, it has indicated that there are no plans for increased infrastructure in the area as there is no plan for increasing densities.

COUNCIL VIEWS

- On 27 November 2017, the Department wrote to Council advising of the request for a rezoning review. On 14 December 2017, the Department received Council's comments (**Attachment E**).
- As noted above, Council has indicated that the proposal submitted to the Department includes amended architectural plans (**Attachment F - Appendix W**) and reduced bulk and FSR compared to what was considered by Council at its 23 October 2017 ordinary meeting. This was because the proponent submitted the revised plans to Council after the reporting for this Council meeting was completed.
- Council staff have stated that while the architectural plans lodged for the rezoning review appear to have a slight reduction in the bulk and FSR, the scheme still presents a bulk and scale that is inconsistent with the local area.
- Table 1 overleaf highlights the changes between the original proposed controls assessed by Council and the amended controls that have not been considered by Council.
- Council notes that the letter provided by the applicant in **Attachment F - Appendix V** is incorrectly dated 8 November 2017. The letter received by Council is dated 6 October 2017.
- Council's concerns with the proposal generally relate to the proposed height and density being inconsistent with Council's endorsed housing strategy, the recently gazetted Kogarah LEP 2012 Amendment No. 2 - New City Plan (dated 26 May 2017) and the character of the area. Council does not believe that sufficient information has been provided to justify the proposed bulk and scale or changes to the planning controls.

Scheme (dated 17 November 2016) as assessed by Council	Scheme (dated October 2017) as lodged by applicant - Appendix W
RL 20.3 roof terrace	RL 20.7 roof terrace
Height: 12.45m – 18.9m	Height: 12.85m – 19.3m
FSR: 2.35:1	FSR: 1.6:1
48 seniors living units	32 seniors living units
Proposed removal of all 3 existing trees on site.	Proposed retention of 1 mature tree at the front boundary.
Insufficient side setback at the southern side boundary.	Increased side setback at the southern side boundary and allowance for new trees within setback zone. However, it is unclear why the 2 existing trees cannot be retained when they are located in alignment with the proposed trees.

Table 1 – Proposed controls and amended controls comparison.

ATTACHMENTS

- Attachment A – Locality Map
- Attachment B – Site Map
- Attachment C – Current LEP Map
- Attachment D – Proposed LEP Map
- Attachment E – Council Comments
- Attachment F – Rezoning review Application Package
 - Application Form
 - Cover Letter - Rezoning Review Request
 - Draft Planning Proposal
 - Appendix A - Geotechnical Investigation
 - Appendix B - Planning Proposal Report
 - Appendix C - Proposed LEP Map (Foreshore Building Line)
 - Appendix C - Proposed LEP Map (Land Use Zone)
 - Appendix D - Proposed Site Specific DCP
 - Appendix E - Survey Plan
 - Appendix F – Georges River Council Letter
 - Appendix G - Preliminary Environmental Site Investigation
 - Appendix H - Response to Georges River Council
 - Appendix I - Cover Letter to Contamination Report
 - Appendix J - Visual Impact Assessment
 - Appendix K - Cover Letter to Visual Impact Assessment
 - Appendix L - Georges River Council Email Request
 - Appendix M - Response to Georges River Council
 - Appendix N – Design Review Panel Minutes
 - Appendix O - Design Review Panel Decision Letter
 - Appendix P - Response to Georges River Council
 - Appendix Q - Georges River Council Email Advise IHAP
 - Appendix R - Georges River Council Email Decline to Withdraw from IHAP
 - Appendix S - Response to Georges River Council
 - Appendix T – Independent Hearing Assessment Panel Agenda

- Appendix U - Independent Hearing Assessment Panel Minutes
- Appendix V - Lodge Amended Plans Cover Letter
- Appendix W – Architectural Plans
- Appendix X - Council Meeting Agenda
- Appendix Y - Council Meeting Decision Letter

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