

Rezoning Review Briefing Report – PP-2022-2849

Mortdale RSL - 19-25 Macquarie Place and 46-56 Pitt Street, Mortdale (100+ dwellings)

Element	Description
Date of request	16 August 2022
Department ref. no	PP-2022-2849
LGA	Georges River
LEP to be amended	Georges River Local Environmental Plan 2021 (Georges River LEP 2021)
Address	19-25 Macquarie Place and 46-56 Pitt Street, Mortdale
Reason for review	<input type="checkbox"/> Council notified the proponent it will not support the proposed amendment <input checked="" type="checkbox"/> Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support
Has council nominated PPA role	Yes
Consultation	Consultation with State Agencies has not yet occurred. This is expected to occur if a Gateway Determination is provided.
Brief overview of the timeframe/progress of the planning proposal	<p>The planning proposal (Attachment A) was originally lodged with Council on 7 February 2020, prior to the commencement of the ePlanning portal.</p> <p>Several requests for information have resulted in revisions to the planning proposal. A timeline history of the proposal can be found in Attachment B.</p> <p>The rezoning review request was submitted to the Department on 16 August 2022.</p>
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Planning Proposal

Table 1. Overview of planning proposal

Element	Description
Site Area	4,601m ²
Site Description	<p>The planning proposal applies to the following sites:</p> <p>19-25 Macquarie Place & 46-56 Pitt Street, Mortdale.</p> <p>19 Macquarie Place - Lot B DP 345208</p> <p>23 Macquarie Place - Lot C DP 345208</p> <p>25 Macquarie Place - Lot 21 Section D DP 2921, Lot 22 Section D DP 2921, Lot 23 Section D DP 2921, Lot 26 Section D DP 2921, Lot 27 Section D DP 2921, Lot 28 Section D DP 2921, Lot 29 Section D DP 2921</p> <p>46 Pitt Street, Mortdale - Lot 20 Section D DP 2921</p> <p>56 Pitt Street, Mortdale - SP 68533</p>
Proposal summary	<p>Stated Objective: To provide suitable zoning to facilitate high density mixed-use development. The Planning Proposal seeks to revitalise the existing Mortdale RSL Community Club site by providing a new contemporary facility, associated commercial and residential uses within a unique and high-quality mixed-use environment.</p> <p>Explanation of Provisions</p> <p>The stated objective will be achieved by:</p> <ul style="list-style-type: none"> Rezoning the land parcels (19-25 Macquarie Place and 46-56 Pitt Street, Mortdale) from R4 High Density Residential to B2 Local Centre Amending the Maximum Building Height to be 28m (to accommodate 2 levels of commercial space, 7 levels of residential and lift overrun) Amending the Maximum Floor Space Ratio to 3.0:1; comprising 0.75:1 non-residential and 2.25:1 residential. A Voluntary Planning Agreement (VPA). Permitting up to an additional 0.5:1 of non-residential floor space where it is provided below ground level.
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none"> Greater Sydney Region Plan South District Plan Georges River Local Strategic Planning Statement (LSPS) Georges River Local Housing Strategy (LHS) Local Planning Directions (Section 9.1 Ministerial Directions): <ul style="list-style-type: none"> Focus Area 1: Planning Systems Focus Area 3: Biodiversity and Conservation Focus Area 4: Resilience and Hazards Focus Area 5: Transport and Infrastructure

Element	Description
	<ul style="list-style-type: none"> - Focus Area 6: Housing - Focus Area 7: Industry and Employment • State Environmental Planning Policies (SEPPs): <ul style="list-style-type: none"> - SEPP (Resilience and Hazards) 2021 - SEPP 65 – Design Quality of Residential Apartment Development - SEPP (Building Sustainability Index) 2004 - SEPP (Transport and Infrastructure) 2021 - SEPP (Industry and Employment) 2021 - SEPP (Housing) 2021 - SEPP (Planning Systems) 2021



Figure 1. Subject site (source: planning proposal)

Key amendments to planning proposal:

February 2020 planning proposal

The planning proposal proposed the following for the site:

- HOB 45m
- FSR 3.5:1
- Zoning B4 Mixed-Use

The Council officers and LPP recommended not to proceed due to lack of strategic and site specific merit. At the 26 April 2021 Council Meeting, Council deferred the planning proposal to allow for further discussions between the proponent and Council officers to refine the planning proposal further.

October 2021 planning proposal

The planning proposal proposed the following for the site:

- HOB 35m
- FSR 3.5:1
- Zoning B2 Local Centre

Council officers requested that the height and FSR be reduced to 22m and 2.5:1 respectively in accordance with the draft Mortdale Master Plan and to amend the VPA offer (as Council cannot accept Affordable Housing without a policy).

April 2022 planning proposal

- HOB 28m
- FSR 3:1 (plus additional 0.5:1 FSR below ground)
- Zoning B2 Local Centre

Current planning proposal

The planning proposal seeks to amend the Georges River LEP 2021 per **Table 2**.

Table 2. Current and proposed controls

Control	Current	Proposed	Draft Mortdale Master Plan Controls (Not endorsed)
Zone	<ul style="list-style-type: none"> 25 Macquarie Place & 46 Pitt Street – B2 Local Centre 19-25 Macquarie Place & 56 Pitt Street – R4 High Density Residential¹ <p>See Figure 2</p>	B2 Local Centre	B2 Local Centre
Maximum height of building	<ul style="list-style-type: none"> 25 Macquarie Place & 46 Pitt Street – NIL 19-25 Macquarie Place & 56 Pitt Street - 12m <p>See Figure 3</p>	28m	22m
Floor space ratio	<ul style="list-style-type: none"> 25 Macquarie Place & 46 Pitt Street - 1.5:1 19-25 Macquarie Place & 56 Pitt Street - 1:1 <p>See Figure 4</p>	3:1 (2.25:1 residential – 0.75:1 non-residential and permit an additional 0.5:1 non-residential floor space below ground level that does not form part of the 3:1 FSR)	2.5:1

¹Referred to as R3 in reports – land zoned R3 Medium Density Residential under former Hurstville LEP, rezoned to R4 in the Georges River LEP 2021

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

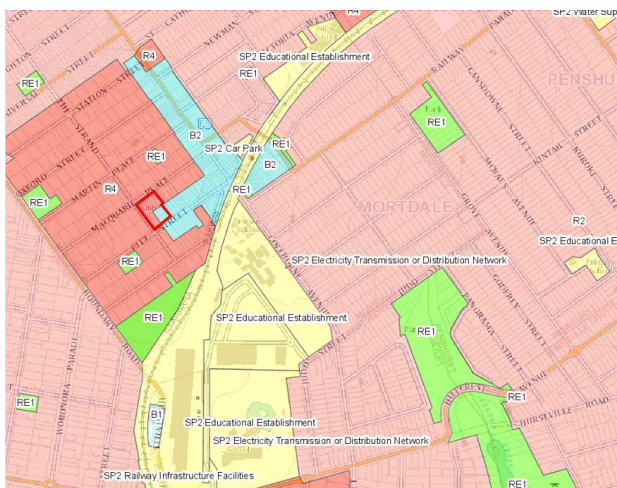


Figure 2. Current zoning – Red R4 High Density Residential, Blue B2 Local Centre (Source: ePlanning Spatial Viewer)

Zoning proposed to be all B2 Local Centre (no map provided in planning proposal).



Figure 3. Current HOB map (Source: ePlanning spatial viewer)

Height of buildings proposed to be 28m (no map provided in planning proposal).

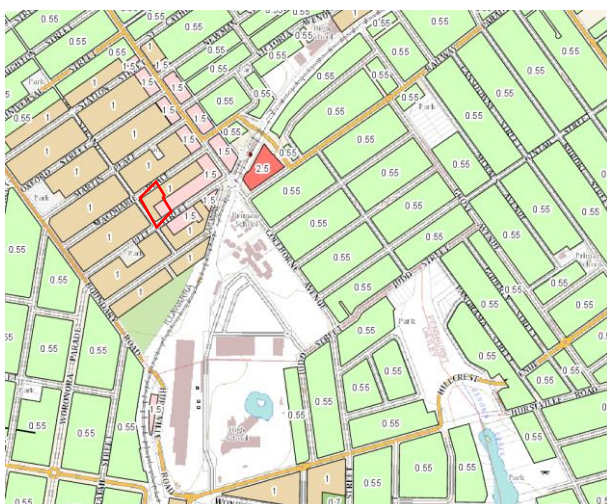


Figure 4. Current FSR (Source: ePlanning spatial viewer)

Floor space ratio proposed to be 3:1 (no map provided in planning proposal)

Draft Mortdale Master Plan (Exhibited version)

The purpose of the Mortdale Master Plan was to provide a framework to guide future growth in the centre to provide greater housing choice, increased capacity for jobs, inform the delivery of infrastructure and public domain improvements, affordable housing, and community infrastructure.

The Draft Master Plan was placed on exhibition from 14 July 2021 to 24 September 2021 (inclusive) with written feedback received until 30 June 2022 considered.

The Draft Mortdale Master Plan provided controls for the planning proposal site of 22m height of buildings and a maximum FSR of 2.5:1 (including minimum 0.75:1 non-residential FSR). Under the Draft Mortdale Affordable Housing Contributions Scheme bonus controls of 28m and a 3:1 FSR could be applied for in the B2 Local Centre zoned land on the provision that affordable housing is provided in line with the scheme.

At the 26 September Council Meeting, Council resolved not to proceed with the exhibited Draft Mortdale Master Plan. The meeting minute required Council officers to undertake work to prepare two new options for the Master Plan, both detailing a height of four storeys on B2 zoned land.

Council also resolved to not proceed with the affordable housing contributions scheme and to investigate a scheme that applies across the whole LGA.

Key Issues

The Department notes the need for the Sydney South Planning Panel to consider the strategic and site-specific merits of the planning proposal (see criteria in Section 2 of the Department's Local Environmental Plan Making Guideline, September 2022), and key issues raised by Council.

A summation of the key issues raised by Council's in their submission to the Department (**Attachment C**), is provided below.

Issue no. 1

Draft Mortdale Local Centre Master Plan & Other Policies

Council view

- The Planning Proposal's requested maximum building height of 28m and maximum FSR of 3:1 (above ground) was consistent with the draft affordable housing contributions scheme where affordable housing is provided – however as outlined above, this scheme was not progressed with
- However, given Council cannot accept affordable housing due to the absence of a policy, the Planning Proposal should comply with the base control for the subject site comprising of a maximum building height of 22m and maximum FSR of 2.5:1 (including minimum 0.75:1 non-residential FSR)
- The PP proposes a non-residential FSR of 0.5:1 to be located in the basement, this was based on the Draft Activating Our Centres Policy which Council is no longer progressing with
- The Draft policies that the planning proposal is consistent with are no longer supported and thus the consistency of strategic merit is now questioned

Proponent view

- The planning proposal is consistent with the provisions of the exhibited Mortdale Local Centre Master Plan
- The proposed development standards are consistent with the exhibited urban design modelling of the Master Plan
- The proposed 311m² for affordable housing purposes is consistent with the Draft Mortdale Affordable Housing Contributions Scheme
- The proposed 0.5:1 FSR of underground floor space is consistent with the Draft Activating Our Centres Policy
- The planning proposal is also consistent with the following:
 - Hurstville City Centre Urban Design Strategy, Georges River Council (GRC) Commercial Centres Strategy, GRC Employment Lands Study and the Draft Mortdale – Morts Road Precinct
- The proposal is consistent with the South District Plan, Metro Plan and Council's LHS and LSPS

Issue no. 2

Bulk and Scale

Council view

- The proposal has not adequately justified that the proposed density (28m height and 3.5:1 FSR) can be accommodated on the site

- The bulk of the proposed development is excessive with a lack of consideration for the existing and desired future character of the Mortdale Local Centre and the surrounding residential locality
- Council questions the proposed development standards can comply with the provisions of the ADG. There is potential non-compliance with key aspects of SEPP 65 and the ADG, including the provision of deep soil, communal open space, access to sunlight, natural cross ventilation, and lack of delineation between public and private spaces
- The location of the main entrance on Macquarie Place undermines the privacy and amenity of the residential flat buildings on the northern side of the street;
- There is insufficient information to determine the extent of traffic impacts resulting from the proposed development.
- Council does not believe the concept scheme accurately reflects a development possible under the proposed development standards
- On 20 September 2022 the proponent uploaded final floor plans (**Attachment D**) for the concept scheme – these are treated as additional information but were not assessed as part of the original planning proposal. On 6 October 2022 Council provided an assessment (**Attachment E**) against the plans.
- Council's assessment on 6 October 2022 concluded that the newly provided plans did not improve the proposals site-specific merit stating that the plans did not address compliance with the ADG cross ventilation and solar access requirements.

Proponent view

- The proposed development is consistent with the evolving character of developments within the locality (see proponent's urban design report is at **Attachment F**)
- The proposed bulk and scale reflects the provisions of the Mortdale Local Centre Master Plan as discussed above in issue 1
- The concept scheme has been designed with reference to SEPP 65 including building separation, solar access, cross ventilation, and apartment sizes
- The proposal provides an opportunity for a larger amalgamated block with a significant development which marks the end of the town centre and as such becomes an anchor development
- The proposal responds to the sites positioning along the rail corridor by providing high-density mixed-use development
- The introduction of increased FSR and height to this Town Centre will provide for appropriate densification and activation
- The proposal proposes a two-storey podium for retail/commercial which will assist in preserving the existing street character

Issue no. 3

Voluntary Planning Agreement & Public Benefits

Council view

- Council supports the provision of a VPA in conjunction with the proposal
- The Planning Proposal will result in a significant increase in the number residents and workers for the site, providing for a new RSL club, up to 7 levels of residential with approximately 134 residential apartments and 2 levels of commercial floor space
- Council has identified a preliminary list (**Attachment C**) of the works and facilities that are required to support and address the impacts and demands of the proposed development

Proponent view

- The planning proposal offers to enter into a voluntary planning agreement for an in-kind dedication of apartments for affordable housing no less than 311m² of GFA in total
- This is consistent with the provisions of the Mortdale Affordable Housing Contributions Scheme
- Provides through site links and the revitalisation of the RSL Club through redevelopment

- Provides diversity in housing typology and employment uses in proximity to public transport

Maps have not yet been prepared for this planning proposal. Traffic report, solar access study and supporting documentation is supplied in **Attachment G**.

Attachments

Attachment A – Planning proposal

Attachment B – Planning proposal history

Attachment C – Council's submission (cover letter, rezoning review assessment, comments on VPA and Environment and Planning Committee meeting report, 12 September 2022 on Draft Mortdale Master Plan)

Attachment D – Proponent final plans (late submission – not part of original PP)

Attachment E – Council addendum letter assessing late submission

Attachment F – Proponent's Urban Design Report

Attachment G – Proponent's full rezoning review documentation package



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