

## AGENDA - IHAP

**Meeting:** Georges River Independent Hearing Assessment Panel (IHAP)

**Date:** Thursday, 26 October 2017

**Time:** 4.00pm

**Venue:** Council Chambers, Georges River Civic Centre, Cnr Dora and MacMahon Streets, Hurstville

**Participants:** Paul Vergotis (Chairperson)  
Sue Francis (Panel Member)  
Juliet Grant (Panel Member)  
George Vardas (Community Member)

**Additional Invitees:** Meryl Bishop (Director Environment and Planning)  
Tina Christy (Manager Development and Building)  
Cathy McMahon (Manager Strategic Planning)  
Cathy Mercer (Team Leader Administration)  
Monica Wernej (Admin Assistant)

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### 1. On Site Inspections - 2.30pm –3.30pm

- a) Suite 1A, 34 MacMahon Street Hurstville
- b) 12-14 Pindari Road Peakhurst Heights

**Break - 3.30pm**

### 2. Public Meeting – Consideration of Items 4.00pm–6.00pm

**Public Meeting Session Closed - 6.00pm**  
**(Break – 6.00pm)**

### 3. Reports and IHAP Deliberations in Closed Session - 6.30pm

<b>Item:</b>	<b>DA No:</b>	<b>Address:</b>	<b>Description:</b>
3.1	PP2017/0002	12-14 Pindari Road Peakhurst Heights	Planning Proposal - Rezone site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood Centre with maximum FSR of 1.5:1 and building height of 9m
3.2	DA2017/0149	Suite 1A, 34 MacMahon Street Hurstville	Use of suite as educational training facility for 30 x students

**4. Confirmation of Minutes by Chair**

# REPORT TO GEORGES RIVER COUNCIL

## IHAP MEETING OF THURSDAY, 26 OCTOBER 2017

<b>IHAP Report No</b>	<b>3.1</b>	<b>Application No</b>	<b>PP2017/0002</b>
<b>Site Address &amp; Ward Locality</b>	12-14 Pindari Road Peakhurst Heights Peakhurst Ward		
<b>Proposal</b>	Planning Proposal - Rezone site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood Centre with maximum FSR of 1.5:1 and building height of 9m		
<b>Report Author/s</b>	Strategic Planner and Coordinator Strategic Planning		
<b>Owners</b>	Learning Links		
<b>Applicant</b>	Capital Syndications Pty Ltd		
<b>Zoning</b>	SP2 Infrastructure (Church and Community Purpose)		
<b>Date Of Lodgement</b>	8/06/2017		
<b>Submissions</b>	N/A		
<b>Cost of Works</b>	N/A		
<b>Reason for Referral to IHAP</b>	For consideration and to seek endorsement to present the Planning Proposal report to Council		

<b>Recommendation</b>	<ol style="list-style-type: none"> <li>1. That the Georges River IHAP recommends to Council that the Planning Proposal to amend Hurstville Local Environmental Plan 2012 (HLEP 2012) as follows, be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979: <ol style="list-style-type: none"> <li>a. To change the land use zoning from SP2 Church and Community Purpose to B1 Neighbourhood Centre;</li> <li>b. To include a maximum Floor Space Ratio (FSR) control of 1.5:1; and</li> <li>c. To include a maximum building height of 9m.</li> </ol> </li> <li>2. That a report to Council be prepared to advise of the IHAP recommendations.</li> </ol>
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## Site Plan



Figure 1: Aerial view of 12-14 Pindari Road, Peakhurst Heights

## Executive Summary

1. A Planning Proposal prepared by Capital Syndications Pty Ltd has been submitted for the site at 12-14 Pindari Road, Peakhurst Heights (refer **Figure 1**) to amend the Hurstville Local Environmental Plan 2012 ("HLEP 2012").
2. The Planning Proposal seeks to rezone the site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood Centre and include Floor Space Ratio (FSR) and Height of Building controls consistent with the adjoining B1 Neighbourhood Centre zoning.
3. The maximum FSR proposed is 1.5:1 and the maximum building height is 9m. Note: The SP2 Infrastructure Zone does not have FSR and height controls.
4. The site comprises of two lots known as Lot 58 DP 206906 and Lot 59 of DP 206906 and has a primary street frontage to Pindari Road and a secondary frontage to Pindari Road Reserve.
5. The site is owned by Learning Links and operates as a community facility that services children with learning difficulties and disabilities such as speech pathology and



occupational therapy. The site also consists of a community based pre-school that is owned and run by Learning Links.

6. Learning Links is a community-founded organisation and is classified as a non-profit organisation. It is defined as a *community facility* and is an organisation concerned with the intellectual development and welfare of the community.
7. The SP2 Infrastructure zone under the HLEP 2012 restricts redevelopment of sites for alternative uses by prohibiting all development types except for 'roads' and any use other than a use as indicated 'for the purposes shown on the Land Zoning Map'. In regards to the subject site, the Land Zoning Map identifies the site for 'Church and Community purpose'.
8. The Learning Links component of the site is defined as a 'community facility' under the HLEP 2012 and is therefore a permissible use in the SP2 zone.
9. The pre-school component of the site is defined as a 'centre-based child care facility' and is a prohibited land use in the SP2 Infrastructure zone of the HLEP 2012. The child care centre was approved by the former Hurstville City Council. Details of the site's previous development application approvals are provided in paragraph 55 of this report.
10. The objective of the Planning Proposal is to rezone the site to a more appropriate zone that legitimises existing use provisions as permitted land uses on the subject site under the HLEP 2012.
11. The request is to rezone the subject site from SP2 Infrastructure to B1 Neighbourhood Centre zone in order to provide greater flexibility for any future redevelopment on the site and so as to ensure consistency with the existing B1 Neighbourhood Zone to the south (known as the Peakhurst Heights – Pindari Road Precinct)
12. Consideration was given with respect to the most appropriate zone for the subject site and its relationship to the adjoining sites. The subject site is adjoined by an R2 – Low Density Residential zone, however the nature of the uses are more consistent with the zone objectives for the B1 – Neighbourhood Centre zone.
13. It is considered that the proposed zone B1 Neighbourhood Centre zone is a more appropriate zone than the R2 Low Density Residential in that the current and future land uses are more consistent with the objectives of the B1 – Neighbourhood Centre zone.
14. The existing uses on the site, although defined as *community facilities* are more commercial than residential uses and the B1 Neighbourhood Centre zone will allow the continued operation and growth of the facility consistent with demand from the community.
15. In terms of the scale of any future redevelopment of the site, consideration was given as to the impact of the B1 – Neighbourhood Centre zone and its relationship to the adjoining R2 – Low Density Residential zone. Currently, the subject site does not have any height and FSR controls.

16. Consistent with the B1 – Neighbourhood Centre zone, it is proposed to introduce a height of 9m and FSR of 1.5:1 for the subject site, to ensure that any future redevelopment is consistent with the scale of development on the adjacent Neighbourhood Centre.
17. The proposed FSR of 1.5:1 and building height limit of 9m is considered suitable given the site's context and is not considered to have an impact on the adjoining low density residential zone.
18. As the existing development was approved prior to the enforcement of HLEP 2012, the child care centre component of the site is identified to possess existing use rights which enable their operation on the site despite being prohibited by the HLEP 2012.
19. This report considers the Planning Proposal in regards to Division 10 Existing uses of Part 4 Development assessment of the Environmental Planning and Assessment Act 1979 and deems the 'centre-based child care facility' component of the site to be permissible on the subject site.
20. This report recommends that the IHAP support the requested amendments to the HLEP 2012 and that the Planning Proposal be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.
21. The proposal does not seek development uplift given that there are currently no FSR or height controls under the SP2 Infrastructure zone.
22. The formula in Council's VPA Policy for calculating land value capture, applies to existing residual value under the LEP and the proposed residual land value under the PP or DA. In this regard, it would be difficult to assess the uplift as there may not be any uplift due to the existing use rights on the land.
23. It should also be noted that the existing development is a community facility registered as a not for profit organisation.
24. As such, Council has not applied the Voluntary Planning Agreement ("VPA") Policy (adopted 1 August 2016) to the Planning Proposal.

## Report in Full

### PROPOSAL

25. The request to prepare a Planning Proposal (PP2017/0002) for two (2) lots at the Leaning Links site (No. 12-14 Pindari Road, Peakhurst Heights) was submitted by Capital Syndications Pty Ltd on behalf of the owner on 8 June 2017.
26. The Planning Proposal requests to amend the Hurstville LEP 2012 in the rezoning of the site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood Centre.
27. The Planning Proposal also proposes to include maximum FSR and building height controls for the site that are consistent with adjoining B1 Neighbourhood Centre Zoning. The maximum FSR proposed is 1.5:1 and the maximum building height proposed is 9m.
28. The proposed zoning and development standard changes are shown in **Figures 10 to 12** below.

### THE SITE AND LOCALITY

29. The subject site includes two (2) lots within a combined area of 1,170m<sup>2</sup> which are known as No. 12-14 Pindari Road, Peakhurst Heights and comprise:
  - Lot 58 in DP 206906 (No. 12 Pindari Road) is generally rectangular in shape which measures approximately 580m<sup>2</sup> and has a frontage of approximately 15.85m to Pindari Road.
  - Lot 59 in DP 206906 (No. 14 Pindari Road) is irregular in shape which measures approximately 590m<sup>2</sup> and has a frontage of approximately 18.97m to Pindari Road and 38.105m to Pindari Road Reserve.
30. The subject site is owned and occupied by Learning Links which from a legal entity perspective is a company. Learning Links provide a range of services that help support children with learning difficulties and disabilities such as speech pathology and occupational therapy.
31. The subject site consists of the following building and open space elements as shown in **Figures 2, 3 to 4** below:
  - An elevated building facing Pindari Road with basement area (former church building) that is partitioned as used as an administrative office, tuition rooms and storage space.
  - A single storey building to the rear of the site accessed from Pindari Road Reserve that is connected to the main building. This is used as a child care centre (pre-school).

- An outdoor play and recreation area that is partly covered and adjoins the neighbouring dwelling at No. 10 Pindari Road. A high security gate to the outdoor play area runs along the Pindari Road front boundary.



**Figure 2: Site as viewed from Pindari Road frontage**



**Figure 3: Site viewed from Pindari Road Reserve**





**Figure 4: Outdoor play/recreation area as viewed from Pindari Road**

32. A summary of the surrounding land is provided below and shown in **Figures 5 and 6** below:
- North: To the north of the site are low density residential dwelling houses. No.10 Pindari Road which immediately adjoins the site is a single storey brick dwelling house with pitched roof form and side carport. No. 8 Pindari Road is a two storey dwelling house with pitched roof form.
  - East: To the east of the site, on the opposite side of Pindari Road, is Peakhurst South Public School.
  - South: Immediately to the south of the site is a public open space area that is known as Pindari Road Reserve. The child care component of the subject site is accessed from this reserve. Further south of the reserve is the Peakhurst Heights Pindari Road Neighbourhood Centre.
  - West: To the west of the site are low density dwelling houses that front Karwarra Place, which is a cul-de-sac. The rear boundaries of Nos. 4 and 5 Karwarra Place border the rear boundary of the subject site.
33. It should be noted that there are no heritage items on or within the vicinity of the site.



**Figure 5: Adjoining low density residential uses along Pindari Road**



**Figure 6: Adjacent shop top housing development in the Peakhurst Height Pindari Road Neighbourhood Centre**

## EXISTING PLANNING CONTROLS

34. The Hurstville LEP 2012 applies to the site and the following provisions are relevant to the Planning Proposal:

### Zoning

35. The site is zoned SP2 Infrastructure (Church and Community Purpose) as shown on the extract of the Land Zoning Map – Sheet LZN\_002 below (**Figure 7**).
36. The adjoining land to the south is zoned RE1 Public Recreation and B1 Neighbourhood Centre. Peakhurst South Public School on the opposite side of Pindari Road is zoned SP2 Infrastructure (Educational Establishment).
37. The current SP2 zone under the HLEP 2012 restricts redevelopment of sites for alternative uses by prohibiting all development types except for “roads” and “for the purposes shown on the Land Zoning Map”.
38. With respect to the subject site, the Land Zoning Map identifies the site for “Church and Community purpose” uses only. The Learning Links component of the site is defined as a community facility under the HLEP 2012 and is therefore a permissible use in the SP2 zone. However, the centre-based child care facility, although previously approved, is prohibited under the current SP2 zone of the HLEP 2012. The child care centre was approved by the former Municipality of Hurstville in 1968 (refer to discussion below in paragraph 55).
39. The SP2 Infrastructure zone under the HLEP 2012 is considered overly restrictive to allow the range of uses that are existing on the site and is out of date as the site has not been used as a public of public worship for over 25 years.
40. An assessment was undertaken as to the most appropriate future zoning of the site, consistent with the surrounding zoning. The intention of Learning Links is to formalise the existing uses on the site and to allow future expansion of the community facility to permit offices ancillary to the existing uses, health consulting rooms and shop top housing.
41. With respect to the adjoining R2 – Low Density zone, the objective of the zone is to *provide for the housing needs of the community as well as to encourage development of sites for a range of housing types*. Although *community facilities, health consulting rooms and centre based child care facilities* would be permissible in the R2 – Low Density Residential zone, it is considered that the objectives and permitted land uses would limit the range of uses (eg: offices, shop top housing) and does not take into account the employment generating nature of the existing use on the site.
42. The objective of the B1 Neighbourhood Centre zone is *to provide a range of small scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood*.



43. The proposed B1 Neighbourhood Centre zoning for the subject site allows for the continuation of the existing uses on site within a permissible zone and provides greater flexibility for redevelopment of the site for alternative uses, which may be required over time in order for the facility to meet the needs of the community.
44. The primary use of the site as a community facility is being maintained. The proposed zoning and maximum FSR and height limits are considered appropriate in the context of the adjoining low density residential development - the adjoining low density residential zone and the adjoining B1 Neighbourhood Centre zone both set height limits of 9m.

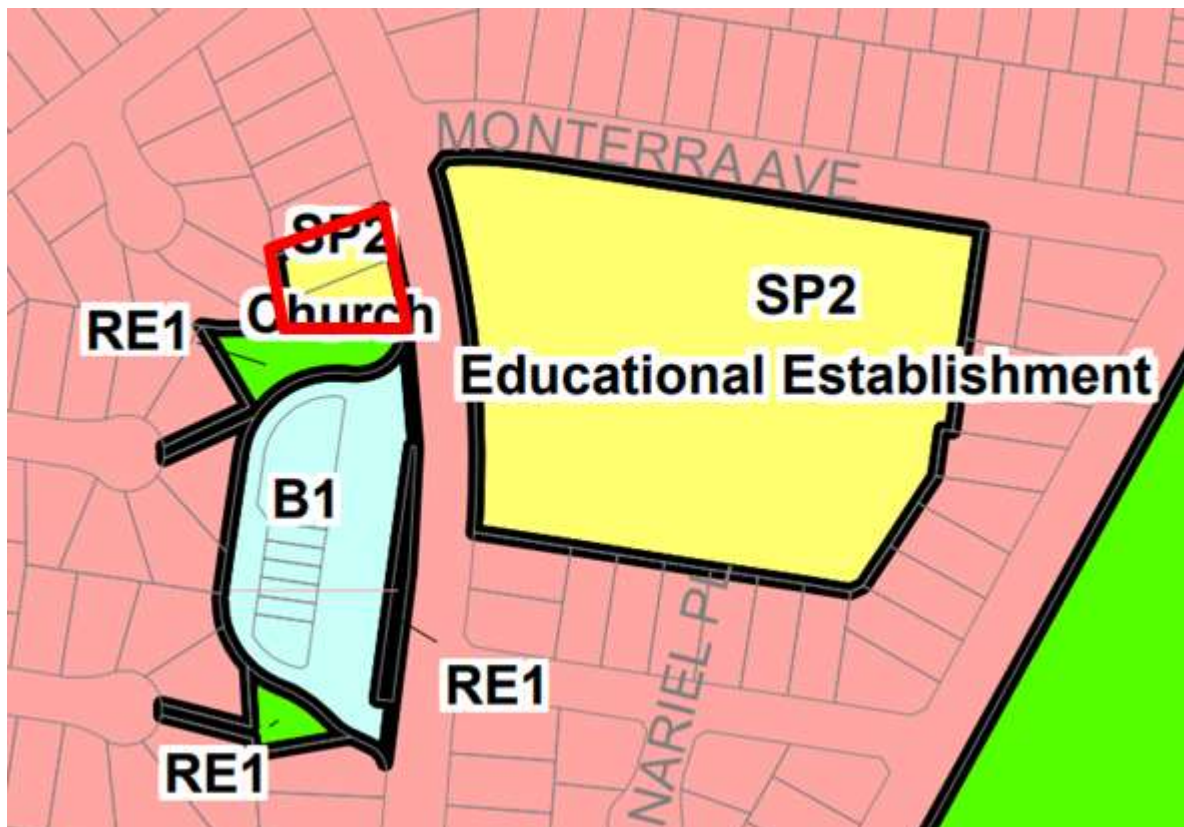


Figure 7: Extract of Hurstville LEP 2012 – Land Zoning Map

## Land Uses

45. The existing uses on the site are defined as a 'community facility' and a 'centre-based child care facility' under the HLEP 2012.
46. The HLEP 2012 defines 'community facility' as:
- "a building or place:*
- (a) Owned or controlled by a public authority or non-profit organisation, and*
- (b) Use for physical, social, cultural or intellectual development or welfare of the community,*
- But does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation".*
47. The HLEP 2012 defines a 'centre-based child care facility' as:



*“(a) a building or place used for the education and care of children that provides any one or more of the following:*

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

*(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW),*

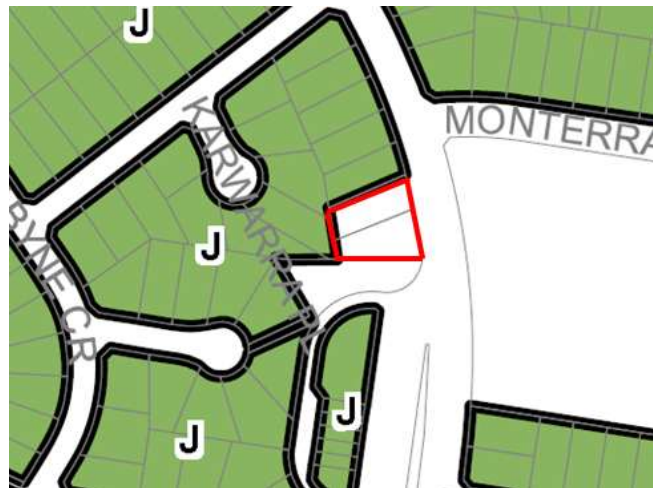
*but does not include:*

- (c) a building or place used for home-based child care or school-based child care, or*
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW), or*
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) a child minding service that is provided in connection with recreational or commercial facility (such as a gymnasium) to care for children while the children’s parents are using the facility, or*
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility”.*

48. Learning Links was community founded and has evolved into a community body that has government recognition and some government funding. The legal entity is that of a company limited by guarantee, which is a specialist form of public company expressly designed for non-profit organisations. It is not defined as an educational establishment.

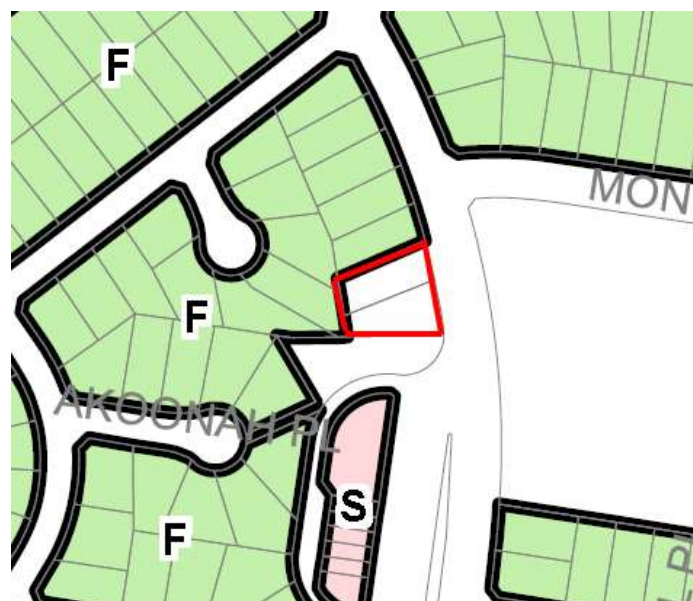
### **Development Standards**

49. Height of Buildings: the site has no nominated maximum building height as shown on the extract of the Height of Buildings Map – Sheet HOB\_002 below (**Figure 8**).
50. The adjoining and surrounding land has a maximum building height of 9m.



**Figure 8: Extract of Hurstville LEP 2012 – Height of Buildings Map**

51. Floor Space Ratio: the site has no nominated maximum Floor Space Ratio as shown on the extract of the Height of Buildings Map – Sheet FSR\_002 below (Figure 9).
52. The surrounding and adjoining low density residential housing has a maximum FSR of 0.6:1. Land to the south in the B1 Neighbourhood Centre zone has a maximum FSR of 1.5:1.



**Figure 9: Extract of Hurstville LEP 2012 – Floor Space Ratio Map**

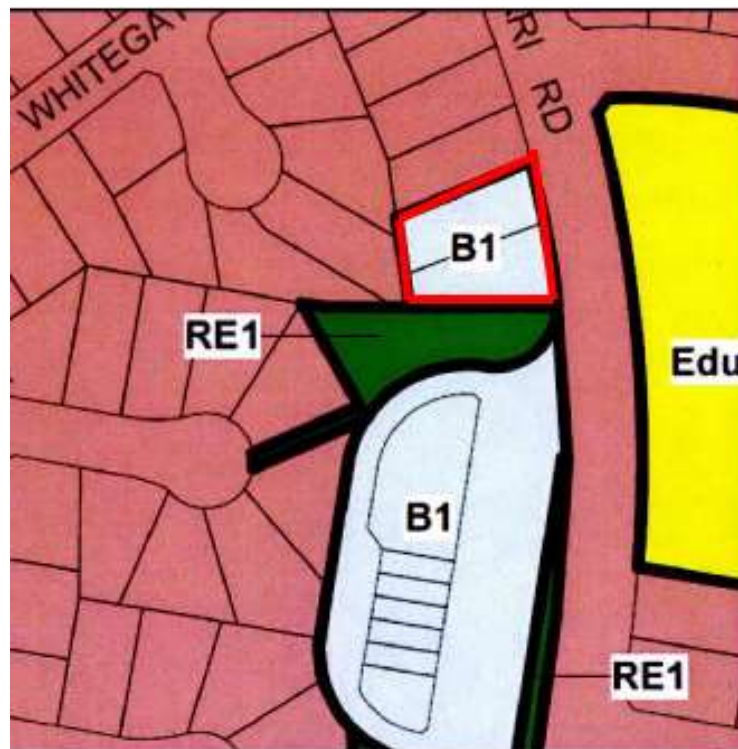
### **APPLICANT'S PLANNING PROPOSAL REQUEST**

53. The chronological events of the Planning Proposal are described below:
  - On 8 June 2017, the applicant's Planning Proposal (PP2017/0002) was lodged with Council.
  - On 19 June 2017, an email was sent to the applicant setting out areas to be further addressed in the Planning Proposal.
  - On 10 July 2017, the applicant submitted the additional information requested by Council.

- On 4 August 2017, the applicant submitted an amended Planning Proposal with proposed mapping.
54. The site has a long history of being owned and occupied by Learning Links which is a community facility and associated child care centre.
55. Council's records show the following Building Application and Development Application approvals for the site:
- BA-758 was granted in 1968 by the former Municipality of Hurstville to use the rear of the site as a "pre-school kindergarten". At this time, the site was being used as a place of public worship by the Baptist Church'.
  - DA 479/90 was granted on 18 December 1990 by former Hurstville City Council for office space and after school accommodation.
  - Section 96 Modification for DA 479/90 was granted on 10 May 1995 to amend Condition 4 relating to operating hours. The S96 states that "the pre-school operates between the hours of 9.00am and 4.30pm, Monday to Friday. The office and after school accommodation operates between the hours of 9.00am and 7.00pm, Monday to Friday".
  - DA 970/99 was granted on 9 December 1999 by former Hurstville City Council for access stairs and ramp to front of building.
56. The SP2 Infrastructure zone was not extensively reviewed in the preparation of the HLEP 2012. The SP2 zone under the HLEP 2012 restricts redevelopment of sites for alternative uses by prohibiting all development types except for "roads" and "for the purposes shown on the Land Zoning Map".
57. In regards to the subject site, the Land Zoning Map identifies the site for "Church and Community purpose" uses only. The Learning Links component of the site is defined as a community facility under the HLEP 2012 and is therefore a permissible use in the SP2 zone. However, the centre-based child care facility, although previously approved, is prohibited under the current SP2 zone of the HLEP 2012. The child care centre was approved by the former Municipality of Hurstville in 1968 (as detailed above in paragraph 24).
58. The SP2 Infrastructure zone under the HLEP 2012 is considered overly restrictive. The current SP2 zoning for the site is considered out-dated. The site has not been used as a public of public worship for over 25 years.
59. The proposed B1 Neighbourhood Centre zoning for the site allows for the continuation of the existing uses on site within a permissible zone and provides greater flexibility for redevelopment of the site for alternative uses. The primary use of the site as a community facility is being maintained. The proposed zoning and maximum FSR and height limits are considered appropriate. The adjoining low density residential zone and the adjoining B1 Neighbourhood Centre zone both set height limits of 9m.

## Summary of Planning Proposal Request

60. A revised Planning Proposal request submitted on 4 August 2017 and included the following documents which form the basis of the Planning Proposal request considered in this report:
- Planning Proposal report revised 2 August 2017 (refer **Attachment 1**)
  - Appendix 1 – Copy of Submission on the Draft Georges River Council Employment Lands Study (refer **Attachment 2**)
  - Appendix 2 – Site Survey
61. The Planning Proposal requests the following amendments to the HLEP 2012 in relation to the site:
- a. Amend Land Zoning Map – Sheet LZN\_002 to rezone site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood centre.
  - b. Amend the Height of Buildings Map - Sheet HOB\_002 to include a maximum height limit of 9m.
  - c. Amend the Floor Space Ratio Map – Sheet FSR\_002 to include a maximum FSR of 1.5:1.
62. The proposed changes to the LEP maps are outlined below (**Figures 10 to 12**):



**Figure 10: Proposed B1 Neighbourhood Centre Zone**





Figure 11: Proposed Building Height Map to 9m

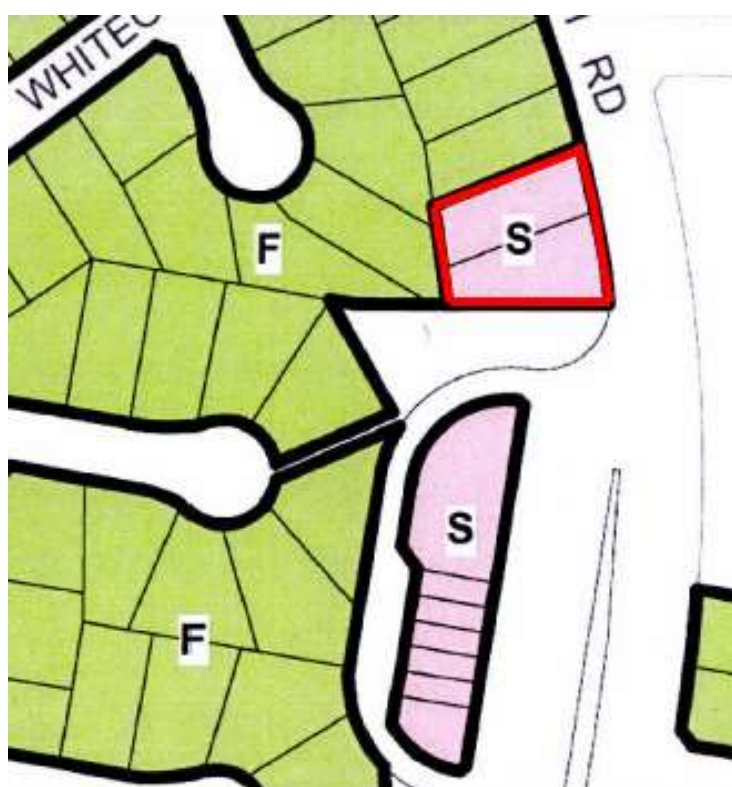


Figure 12: Proposed FSR Map of 1.5:1

## THE PLANNING PROPOSAL

63. The Planning Proposal has been assessed under the relevant sections of the Environmental Planning and Assessment Act 1979 and Regulation 2000 and against

the following advisory documents prepared by the Department of Planning and Environment:

- a. “A guide to preparing planning proposals” (August 2016).
- b. “A guide to preparing local environmental plans” (August 2016).

64. Section 55 of the Environmental Planning and Assessment Act 1979 outlines that a planning proposal must explain the intended effect and the justification for making the proposed instrument and must include the following components:
  - A statement of the objectives and intended outcomes of the proposed instrument (Part 1).
  - An explanation of the provisions that are to be included in the proposed instrument (Part 2).
  - The justification for those objectives, outcomes and the process for their implementation (Part 3).
  - Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies (Part 4).
  - Details of the community consultation that is to be undertaken on the planning proposal (Part 5).
65. The information below addresses the requirements for Planning Proposals.

## Objectives and Intended Outcomes

66. The objective of the Planning Proposal is to amend the Hurstville LEP 2012 by:
- a. Changing the land use zoning from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood centre.
  - b. Providing a height of building control of 9m (currently there is no maximum height).
  - c. Providing a Floor Space Ratio control of 1.5:1 (currently there is no maximum FSR).
67. The intended outcomes of the Planning Proposal are to:
- a. Ensure the existing and approved use of the land is a permissible form of development in the zone.
  - b. Ensure principal building envelope controls (height and FSR) are legislated to allow for any future redevelopment of the site.
  - c. Provide certainty in the community in relation to any future redevelopment of the site.

## Explanation of Provisions

68. The proposed intended outcomes will be achieved by amending the Hurstville LEP 2012 as follows:
- a. Amend the Land Zoning Map to rezone site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood Centre.
  - b. Amend the Height of Buildings Map to include a maximum height limit of 9m.
  - c. Amend the Floor Space Ratio Map to include a maximum FSR of 1.5:1.
69. It is noted that currently under the HLEP 2012 there are no maximum height or FSR controls for the site due to its SP2 Infrastructure zoning.
70. As outlined above, it is considered that the B1 – Neighbourhood Centre zone would be more appropriate than the R2 – Low Density Residential zone as the existing and proposed uses are consistent with the objectives of the zone and adjoining B1 – Neighbourhood Centre zone to the south.
71. The B1 – Neighbourhood Centre zone also formalises the employment generating nature of the uses, consistent with the Peakhurst Heights – Pindari Road Precinct to the south.
72. The Planning Proposal seeks to adopt the standard controls that apply to the development of B1 Neighbourhood Centre zoned land from the perspective of permissible uses, FSR and maximum building heights. This is considered appropriate given the surrounding context and the existing usage of the site as a community facility and centre-based child care facility.
73. The Planning Proposal impacts the relevant zoning map, height of buildings map and FSR map. There will be no impact on any relevant clauses of HLEP 2012.

## Strategic Planning Context

74. The draft South District Plan (November 2016) and Towards our Greater Sydney 2056 (which will amend A Plan for Growing Sydney) was placed on public exhibition (ended March 2017) and will apply to the Georges River Council area.
75. Consideration of the Planning Proposal request in relation to the current plans and strategies (A Plan for Growing Sydney (Metropolitan Strategy), draft plans Towards our Greater Sydney 2056, draft South District Plan, Hurstville Community Strategic Plan 2025 and Draft Employment Lands Study is provided below.

### A Plan for Growing Sydney (Metropolitan Strategy)

76. The Planning Proposal is consistent with the aims of A Plan for Growing Sydney which was adopted in December 2014. It achieves the following relevant Goals and Directions:

**Goal 1:** A competitive economy with world-class services and transport

- **Direction 1.10:** Plan for education and health services to meet Sydney's growing needs.

77. The Planning Proposal will contribute towards achieving this Direction by retaining employment land that is currently used as a child care centre and community facility that helps support children with learning difficulties and disabilities. The location of the site, opposite Peakhurst South Public School, benefits the community and future residents.

**Goal 3:** Sydney's great places to live

- **Direction 3.1:** Revitalise existing suburbs

78. The Planning Proposal will contribute towards achieving this Direction by allowing permissible uses that revitalise the local community and contribute to an attractive suburb. The proposal ensures the site be used for employment land providing business activity for the area and meeting the needs of a growing population.

### Draft Towards Our Greater Sydney 2056

79. The draft Towards Our Greater Sydney 2056 includes the following vision and Metropolitan priorities:

Vision	Metropolitan Priority
A productive Greater Sydney	A growing city A city with smart jobs A 30 minute city
A liveable Greater Sydney	An equitable, polycentric city A city of housing choice and diversity A collaborative city
A sustainable Greater Sydney	A city in its landscape An efficient city A resilient city

80. The Planning Proposal is not inconsistent with the Visions and Metropolitan Priorities of the draft Plan.

#### Draft South District Plan

81. In relation to the draft South District Plan (November 2016) which proposes a 20 year vision for the South District, the Planning Proposal is consistent with the following priorities:

##### **Priorities of A Productive City**

- Growing economic activity in centres.
- Leveraging health and education assets as catalysts to grow smart jobs.
- Manage employment and urban services land across the District.
- Accessing a greater number of jobs and services within 30 minutes.

##### **Priorities of A Liveable City**

- Create great places.
- Foster cohesive communities in the South District.
- Respond to people's need for services.

##### **Priorities of A Sustainable City**

- Creating an efficient South District
- Integrate land use and transport planning to consider emergency evacuation needs.

82. The Planning Proposal to rezone the site to B1 Neighbourhood Centre addresses a number of priorities in the Plan but specifically in relation to "A Productive City". The Plan encourages and supports growth of health and ancillary activities in strategic centres and as relevant, local centres.
83. The proposal protects the employment land of the Learning Links site and the provision of existing children's educational support services in the local community. It allows for flexibility in planning for the expansion of the Peakhurst Heights precinct as well as the continuation of employment generating uses within the Precinct.
84. The proposed rezoning provides opportunities for new ancillary uses to cluster around existing health and education facilities. The site's immediate adjacency and accessibility to Peakhurst South Public School addresses priorities of the Plan in relation to planning for connected and stronger economic and employment centres where proximity of health and education assets creates significant opportunity to drive economic activity and a sustainable and liveable city.

#### Hurstville Community Strategic Plan 2025

85. The former Hurstville City Council endorsed the Hurstville Community Strategic Plan 2025 on 3 June 2015. It is the overarching strategy for Council's objectives and operations. The Planning Proposal is not inconsistent with the principles of the Plan.

#### Draft Employment Lands Study



86. A report on the draft Georges River Employment Lands Study was considered by Council at its meeting on 3 April 2017 where Council resolved to place the draft Study on public exhibition.
87. The area to the south of the subject site is zoned B1 – Neighbourhood Centre zone and is known as the **Peakhurst Heights – Pindari Road Precinct**
88. The draft Study considers **Peakhurst Heights – Pindari Road Precinct** as a centre that has opportunity to accommodate growth. The Precinct is zoned B1 Neighbourhood Centre. Key land uses in the zone are neighbourhood shops and shop top housing such as hairdressing, yoga studio, and podiatry.
89. Surrounding land uses are predominantly low density residential. The Learning Links site and Peakhurst South Public School are located on Pindari Road and adjoin the Precinct.
90. The current development standards within the Precinct are a maximum FSR of 1.5:1 and building height limit of 9m. The draft Study makes the following recommendations in respect to the Peakhurst Heights – Pindari Road Precinct:
  - a. Retain the existing B1 – Neighbourhood Centre Zone.
  - b. Increase the maximum permitted height of buildings from 9m to 12m so as to allow realisation of the maximum FSR of 1.5:1.
  - c. Review land uses in the B1 – Neighbourhood Centre zone to allow additional land uses.
91. The draft Study identifies the opportunity across all B1 Neighbourhood Centres as an increase of permitted maximum height of building. The current height limits the potential for the permitted FSR of 1.5:1 to be realised.
92. The subject site is not included in the **Peakhurst Heights – Pindari Road Precinct** as it is not currently zoned B1 Neighbourhood Centre.
93. The Learning Links facility is one of the largest employers in the Peakhurst Heights – Pindari Road Precinct. The site generates a significant amount of employment for the local area and wider community.
94. It comprises approximately 22 full time staff, 47 part time staff, 122 casual staff and 1 volunteer. Submissions on behalf of the subject site were made during the public exhibition of the draft Employments Lands Study requesting consideration of inclusion into the Peakhurst Heights – Pindari Road Precinct.
95. The site, despite currently being zoned SP2 Infrastructure plays a vital role in providing employment for the precinct. The Planning Proposal supports the viability of the Peakhurst Heights – Pindari Road Precinct.

### State and Regional Statutory Framework

96. State Environmental Planning Policies (SEPPs) deal with matters of State or regional environmental planning significance. A review of the prevailing list of SEPPs was conducted by the applicant at the time of lodgement (dated 8 June 2017) and no applicable SEPP was identified.

97. On 1 September 2017, the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 was gazetted.
98. The SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:
- (a) *improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and*
  - (b) *simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and*
  - (c) *establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and*
  - (d) *allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and*
  - (e) *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
  - (f) *aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and*
  - (g) *ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and*
  - (h) *encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.*
99. The SEPP also introduces a common assessment framework made up of the Child Care Planning Guideline and non-discretionary development standards. The Guideline contains key national requirements and planning and design guidance for child care facilities and will generally prevail over local development control plans.
100. The Planning Proposal is considered to be consistent with the aims of the SEPP by legitimising the existing centre-based child care facility land use on the subject site and henceforth allowing future upgrades and/or expansion of the early education facility on site. This will ensure the essential services currently provided on the site are protected whilst promoting the employment growth and viability of the Peakhurst Heights Neighbourhood Centre.

## **S117 MINISTERIAL DIRECTIONS**

101. Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979 set out a range of matters to be considered when prepared an amendment to a Local Environmental Plan.
102. The Planning Proposal is consistent with all relevant ministerial directions as assessed by the applicant in Table 1 below:

<b>S117 Direction</b>	<b>Assessment</b>
1.1 Business and Industrial Zones	The planning proposal is consistent with the objectives of this direction in that it encourages employment growth and supports the viability of the Peakhurst Heights – Pindari Road Precinct.
7.1 Implementation of A Plan for Growing Sydney	The proposal is consistent with the objectives of A Plan For Growing Sydney, as assessed in report above.

## **EXISTING USE RIGHTS**

103. Under Division 10 Existing uses of Part 4 Development assessment of the Environmental Planning and Assessment Act 1979, existing use is defined as the use of a building, work or land for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use.
104. In accordance with the above definition, the existing development on the site is deemed to possess existing use rights in that the use of a 'centre-based child care facility' was approved prior to the commencement of the HLEP 2012. The use was approved as a 'pre-school kindergarten' under BA-758 in 1968 by the former Municipality of Hurstville. The former Hurstville City Council also approved 'office space and after school accommodation' in 1990 under development application DA 479/90.
105. The Planning Proposal request to rezone the site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood Centre will ensure the 'centre-based child care centre facility' is a permissible form of development in the zone. The existing child care centre benefits the community which is the intent of the existing special use zone 'Church and Community Purpose'.
106. The Planning Proposal ensures the site is maintained for employment land that can facilitate growth and provide essential services to the Peakhurst Heights Precinct and wider community.

## **VOLUNTARY PLANNING AGREEMENT**

107. The Voluntary Planning Agreement ("VPA") Policy was adopted on 1 August 2016 and sets out Council's objectives in relation to the use of planning agreements. The Policy has been consistently applied to planning proposals and development applications alike since its adoption.
108. Clause 5.3 of the Policy states that where either a Planning Proposal is proposed, or development consent is sought, which will result in an exceedance of development

standards, resulting in an inherent increase in value of the land or development, the concept of land value capture may be used to assess the appropriate contribution.

109. Although the proposal seeks a rezoning from SP2 to B1, which will result in a broader range of land uses being permitted on the site, the proposal does not seek development uplift given that there are currently no FSR or height controls under the SP2 Infrastructure zone and the proposal is requesting height and FSR controls that are consistent with the adjoining B1 Neighbourhood Centre zone.
110. The formula in Council's VPA Policy for calculating land value capture, applies to existing residual value under the LEP and the proposed residual land value under the PP or DA. In this regard, it would be difficult to assess the uplift as there may not be any uplift due to the existing use rights on the land.
111. As outlined above, the existing development is community facility registered as a not for profit organisation. The site is owned by Learning Links and operates as a community facility that services children with learning difficulties and disabilities such as speech pathology and occupational therapy. The site also consists of a community based pre-school that is owned and run by Learning Links.
112. The Planning Proposal is seeking to validate the existing employment based land uses on the site and allowing for a broadening of land uses that would be consistent with the existing uses on the site by rezoning from SP2 to B1 Neighbourhood Centre. The proposed height and FSR are consistent with the adjoining B1 Neighbourhood Centre zone, being 9m and 1.5:1
113. The proposal also provides a significant public benefit to the community by providing services for children with learning difficulties.
114. For these reasons, Council has not applied the VPA Policy to the Planning Proposal.

## CONCLUSION

115. The Planning Proposal request to rezone the site from SP2 Infrastructure (Church and Community Purpose) to B1 Neighbourhood Centre allows for the continuation of existing and approved community facility and centre-based child care facility uses.
116. The proposed B1 Neighbourhood Centre zoning is considered an appropriate zone for the site. It allows for the continuation of the existing uses on site within a permissible zone and provides greater flexibility for redevelopment of the site for future upgrades and expansions. The primary use of the site as a community facility is being maintained. The proposed new zone ensures that future uses are compatible with existing surrounding uses.
117. The proposed zoning and maximum FSR and height limits are considered appropriate. The adjoining low density residential zone and the adjoining B1 Neighbourhood Centre zone both set height limits of 9m.

118. The draft Georges River Employment Lands Study identifies Peakhurst Heights – Pindari Road Precinct as a centre that has opportunity to accommodate growth. The Planning Proposal ensures the site is maintained for employment land that can facilitate growth and provide essential services to the Peakhurst Heights Precinct and wider community.

## COMMUNITY CONSULTATION

119. Should the Planning Proposal be supported it will be forwarded to the NSW Department of Planning and Environment (“DPE”) requesting a Gateway Determination.
120. If a Gateway Determination (Approval) is issued, and subject to its conditions, it is anticipated that the Planning Proposal will be exhibited for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* and *Regulation, 2000* and any requirements of the Gateway Determination.
121. Exhibition material, including explanatory information, land to which the Planning Proposal applies, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council’s website and hard copies available at Council offices and libraries.
122. Notification of the public exhibition will be through:
- Newspaper advertisement in The St George and Sutherland Shire Leader,
  - Exhibition notice on Council’s website,
  - Notices in Council offices and libraries,
  - Letters to State and Commonwealth Government agencies identified in the Gateway Determination (if required),
  - Letters to adjoining landowners (if required, in accordance with Council’s Notification Procedures).
123. The anticipated the project timeline for completion of the Planning Proposal is shown below:

Task	Anticipated Timeframe
Lodgement of Planning Proposal request	8 June 2017
Report to Georges River IHAP on Planning Proposal	October 2017 (this report)
Report to Council on Planning Proposal	27 November 2017
Anticipated commencement date (date of Gateway determination)	March 2018
Anticipated timeframe for completion of any further technical information	April 2018
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	May 2018
Commencement and completion dates for	June 2018



community consultation period	
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	July 2018
Reporting to Georges River IHAP on community consultation	August 2018
Reporting to Council on community consultation and finalisation	August 2018
Submission to the Department to finalise the LEP	September 2018
Anticipated date for notification.	September 2018

124. It is noted that the project timeline will be assessed by the DPE and may be amended by the Gateway Determination.

## NEXT STEPS

125. The Planning Proposal will be considered at a future Georges River Council meeting (“the relevant planning authority”) for consideration, including the IHAP recommendations. If the Planning Proposal is endorsed by Council it will be forwarded to the delegate of the Greater Sydney Commission for a Gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
126. If Council resolves not to support the Planning Proposal, the Applicant has the opportunity to request a pre-Gateway Review by the Planning Panels under the delegation of the Greater Sydney Commission. An applicant has 40 days from the date of notification of Council’s decision to request a review.

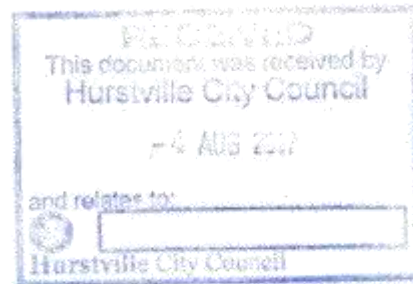
## TRIM FILE

PP2017/0002

## ATTACHMENTS

- Attachment Planning Proposal Report - Amended - 12-14 Pindari Road, Peakhurst Heights  
[View1](#)
- Attachment Appendix 1 - Copy of Submission on the Draft Georges River Council  
[View2](#) Employment Lands Study

PLANNERS & PROJECT DIRECTORS



## PLANNING PROPOSAL

12-14 PINDARI RD PEAKHURST HEIGHTS

Submitted to Georges River Council  
on behalf of Learning Links

5 JUNE 2017

(revised 2 August 2017)

CAPITAL SYNDICATIONS PTY LTD  
(T/A INNOVA CAPITAL)

## PLANNING PROPOSAL

Prepared by Wayne Camenzuli  
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## EXECUTIVE SUMMARY

This planning proposal is submitted to Georges River Council to request and environmentally justify the rezoning of a special purpose Church site (zoned SP2) at 12-14 Pindari Rd Peakhurst Heights for local neighbourhood centre uses. The proposal is only for rezoning.

The planning proposal has been prepared by Capital Syndications Pty Ltd (t/a 'Innova Capital') on behalf of the proponents, being the Directors and Chief Executive Officer of Learning Links. The Learning Links brand is well known in the Georges River LGA for its community-based genesis 45 years ago and their focus on the prevention and minimisation of early childhood learning difficulties to limit or eliminate future disadvantage.

The structure and content of this document is consistent with the NSW Planning & Environment guideline dated July 2009 "A guide to preparing Planning Proposals" and has been prepared pursuant to section 55 of the Environmental Planning and Assessment Act (1979). The planning proposal seeks to address the need for the orderly reclassification of this uniquely zoned site into a use that is both commensurate with the surrounding land uses and its usage today. Despite its present zoning as SP2 'Church', the former church premises upon the two adjoining lots of land in the ownership of Learning Links has been operating as a private community-funded tuition centre and pre-school since the early 1990's pursuant to a historical use approval by Hurstville City Council. The growth of Learning Links since that time has occurred in parallel with the aging and evolving adaptation of the former church building which has become increasingly challenged in terms of its capacity and the cost-benefit feasibility of further modifications and repairs.

In looking to its future strategic development, the constraints of the existing building at Peakhurst Heights are an impediment to the ability for Learning Links to sustain and/or grow in this location without redevelopment of its adjoining sites. In exploring that potential under the prevailing zoning, Learning Links has identified the need to seek amendment of the Hurstville Local Environmental Plan (HLEP) 2012 to enable future redevelopment of its sites. In doing so, an accepted planning proposal will ultimately provide an enhanced community asset for the local precinct and LGA that will ensure retention and growth of existing employment, and better facilities for the tuition and care of local children and families that depend upon the Pindari Road centre.

Approval of this planning proposal from a broader environmental planning perspective provides certainty of employment retention by retaining lands presently applied in part for employment uses under a proposed zoning that is commensurate with the approved usage. It also will assist the mitigation of serious financial burden upon the proponent should they find it impractical to operate from the site in future, and have the double-negative of then being unable to find a buyer or tenant for the site because of its single restrictive approved zoning usage as that of a Church. In this context, we have previously briefed strategic planning representatives of Georges River Council on 20 September 2016 and 17 January 2017 and received in principle acknowledgement of the need and merit to pursue this planning proposal for the zoning nominated.

We therefore seek Council's careful, considered and meritorious recommendation to provide their support for this planning proposal and forward it to the Minister for Planning for a Gateway determination in accordance with section 56 of the EP&A Act.





## 1. INTRODUCTION

This planning proposal is submitted to Georges River Council to request and environmentally justify the rezoning of a special purpose (Church) site at 12-14 Pindari Road, Peakhurst Heights for local neighbourhood centre uses. It has been prepared by Capital Syndications Pty Ltd (t/a 'Innova Capital') on behalf of the proponents, being the Directors and Chief Executive Officer of Learning Links who are the owners of the site in consideration. It has been prepared in accordance with the NSW Planning & Environment guideline - 'A guide to preparing planning proposals' pursuant to section 55 of the Environmental Planning and Assessment Act (1979).



Learning Links (ABN 71 097 577 636) was established in 1972 by a group of parents concerned about the lack of appropriate education and support services at that time to meet the needs of their children. From a legal entity perspective, Learning Links ('LL') is a company limited by guarantee. Their focus is on preventing learning difficulties from causing contemporary and future disadvantage. LL works in collaboration with schools, early childhood settings and parents to help children with learning disabilities and difficulties. These include conditions such as ADHD, high functioning Autism, Dyslexia, Dyscalculia, fine and gross motor delays and speech and language delays. Early intervention for young children who experience developmental delays is critical to mitigate the risk of poor educational outcomes later in life. LL is recognised as a pioneer in the area of inclusive early childhood education through its 'inclusive preschool', where children of all abilities learn side by side. This model maximises the opportunity for all children to advance their learning ability and social/emotional wellbeing as they progress to primary school.

LL is therefore both a significantly valued community organisation within the Georges River LGA, and as demonstrated later in this planning proposal, is also a significant employer in the immediate local area, and in the local government area (LGA) as a whole.

This planning proposal is prepared in five parts and addresses the following specific matters in the guideline:

- 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

The prevailing Local Environmental Plan is Hurstville Local Environmental Plan (HLEP) 2012. Accordingly, the intent of this planning proposal is to amend HLEP 2012 for the proposed zoning only. The proponent otherwise accepts Council's existing development controls applicable to the proposed zoning so that development assessment is consistent with controls already in place for the nominated zone.



LL owns the two connected parcels of land at Pindari Road in Peakhurst Heights that are the subject of this planning proposal. The two parcels are Lots 58 and 59 in Deposited Plan 206906. The consolidation of both parcels measures some 1,170m<sup>2</sup> with no.12 being 580m<sup>2</sup> and no.14 being 590m<sup>2</sup>. The land fronts the western side of Pindari Road, adjoins low density residential sites to the north and west and then public (Council) reserve land to the south.

The LL property appears to have the convenience benefit of formal pathway access to the south through the local Pindari Rd public reserve land, however such benefit is only informal and in no way a right appurtenant to the legal title of 14 Pindari Road. The Council Lot to the south is an irregular parcel of 1,153m<sup>2</sup> and is addressed as a battle-axe block off Akoonah Place Peakhurst Heights being no.5A. That property is registered as Lot 158 in Deposited Plan 210867. An aerial image of the two adjoining landholdings that comprise the LL site at Peakhurst Heights appears at Figure 1.

Figure 1 - Nearmap image of the subject sites (captured on 24 February 2016)



Figure 2 below provides six ground elevations of the existing property and the immediate context as described above

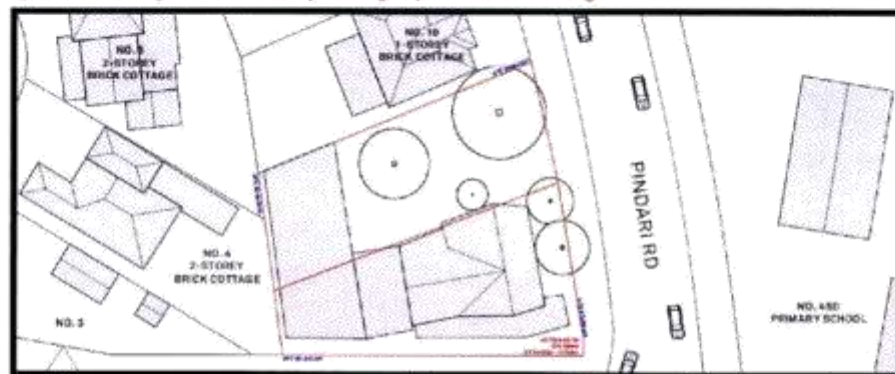


Figure 2 - The Learning Links site and ground elevations of the immediate context



Figure 3 provides a site plan of the Learning Links site and that of the residential sites that adjoin it. While the property does have five trees on-site, only two of these trees are considered significant in the context of any future development of the land, and it is appreciated that a Gateway determination may provide a s.117 direction for an assessment of both.

Figure 3 - Learning Links Site Plan of Existing Improvements and Vegetation



The aggregated LL site is essentially improved by:

- An elevated former church building with basement area that has been partitioned to create a combined administrative office, tuition rooms and storage space
- Two adjoined classrooms to the rear for pre-school usage
- Uncovered outdoor play and recreation areas
- Covered outdoor play and recreation areas
- The site also contains two significant trees located on the property at 12 Pindari Rd





## **PART 1 – OBJECTIVES AND INTENDED OUTCOMES**

The zoning proposal is to change the existing zoning from that of SP2 'Church' to B1 'Neighbourhood Centre'. The proposal has strength because:

- (i) The proposed zoning is consistent with that of the adjacent neighbourhood centre and thus formally extends the employment lands precinct in this location.
- (ii) Council has an objective to provide and sustain a strong inventory of employment land in neighbourhood centres within the LGA so as to meet the needs of a growing population base. LL are by far the largest private sector employer in Peakhurst Heights but working from a site that does not have an 'employment lands' zoning.
- (iii) In addition to other uses, the proposed zoning allows for Child Care; Offices; Shop-top Housing and Health Consulting Rooms. It is likely that Learning Links would re-develop its land for a combination of the above uses to enable an improved on-going service provision
- (iv) Building heights of up to 9-metres are allowed under B1 zoning, and that height limit is in keeping with the surrounding environmental context.

The Draft Georges River Employment Lands Study ('ELS') dated 9 March 2017 was placed on public exhibition effective 1 May 2017 for 30 days. The ELS identifies various other attributes and other opportunities including that:

- The Georges River LGA is becoming increasingly more attractive as a location to live and work as Sydney's centre of population shifts westward; and
- The LGA is in an enviable position to provide for a knowledge-based workforce and attract a proportion of Sydney's knowledge economy.

A submission towards that study has been made on behalf of LL, a copy of which is provided at Appendix 1 of this planning proposal.



## PART 2 - EXPLANATION OF PROVISIONS

This section provides a simple explanation of the necessary amendments needed to the prevailing planning maps that apply to the subject site and are contained within HLEP 2012. Part 4 of this planning proposal addresses mapping in more detail.

### *(a) Land to which the plan will apply*

The planning proposal applies to land addressed as 12-14 Pindari Road, Peakhurst Heights 2210. The aggregate site comprises two parcels registered as Lots 58 and 59 in Deposited Plan 206906. The consolidation of both parcels measures some 1,170m<sup>2</sup> with no.12 being 580m<sup>2</sup> and no.14 being 590m<sup>2</sup>.

### *(b) Land Use Zoning*

The land is zoned pursuant to HLEP 2012 as a special purpose 'SP2' zone. The significance of this is that the usage of the land is therefore restricted to just the special purpose of the zoning label itself. In this case, the HLEP 2012 zoning map for 12-14 Pindari Road specifically identifies the LL site zoned as 'SP2 Church' as set out in Figure 1 below.

Figure 4 - Zoning map of the site and surrounding context sourced from HLEP 2012



The zoning objectives and permissive uses that attach to SP2 zoned sites are unique relative to other zones as the usage is generally singular based on the express special purpose of the zone. An SP2 zone usually reserves sites for development uses needed for public infrastructure purposes. In the case of the LL sites, they are zoned expressly for infrastructure use as a church regardless of religious denomination.



It is proposed that the zoning map contained in HELP 2012 as extracted at Figure 4 amend the yellow SP2 'Church' zoning for these sites to the light blue B1 'Neighbourhood Centre' zoning, consistent with the Pindari Road neighbourhood centre strip in the immediate vicinity of these sites.

*(c) Maximum Floor Space Ratio (FSR)*

No changes are proposed to the standards already applying to FSR for B1 zoning.

*(d) Maximum Building Height*

No changes are proposed to the standards already applying to the maximum height limit for B1 zoning.

This planning proposal seeks to adopt the standard controls that apply to development of B1-zoned land from the perspective of permissive uses, FSR and maximum building heights. This is appropriate given the surrounding environmental context and the existing usage of the subject premises. Accordingly, as no new control allowances are sought, there will be no impact on any relevant clauses of HLEP 2012. The planning proposal impacts the relevant zoning map, height of buildings map and floor space ratio map only. These are discussed in more detail at Part 4 of this document.

It should also be noted that there are no heritage items on or within the vicinity of the site.





### 3. PART 3 - JUSTIFICATION

This section responds to the eleven specific questions provided by the NSW (Government) Planning & Environment 'A guide to preparing planning proposals'. The guideline was issued pursuant to s.55(3) of the Environmental Planning and Assessment Act 1979.

#### (i) Is the planning proposal a result of any strategic study or report?

This planning proposal provides a contribution to the employment lands objective of Georges River Council by seeking a rezoning for the sites in question that assures the existing permissive employment and community uses can endure with any redevelopment of the site.

The planning proposal emerges from both a proactive need to resolve the matter of the existing zoning of the site being misaligned with the permitted use, but also as an indirect response to the exhibited ELS of Georges River Council from 1 May 2017. The indirect trigger in the ELS is the complete lack of acknowledgement of the significant employment contribution that the activities of the LL operation makes to the local precinct and LGA as a whole from its premises at 12-14 Pindari Road, Peakhurst Heights. The lack of acknowledgement arises because the scope of the ELS was limited to sites of B1, B2 and IN2 zoning only. The ELS did not consider the potential for sites with alternative zonings that essentially function as 'employment land' under a pre-existing permissive use right or historical approval.

With the background of all that has been said above, this planning proposal arises because the existing zoning does not allow for the complete redevelopment of the site for the approved and community-accepted function it performs today. The planning proposal is therefore essential to the retention of the largest employer in Peakhurst Heights and would also assure the employment generation value of the site in perpetuity. Indeed, that ultimate outcome is aligned with the greater objective of the ELS.

The planning proposal will do nothing to increase pressure on the road and public transport system. Given the fractured nature of the existing zoning for a relatively small site, it provides an environmentally sensible solution for untenable and financially unviable special uses-zoned land in this location. In this context, we as representatives of the proponents have previously briefed Georges River Council and provide this submission on the strength of the in-principle support to pursue this planning proposal.

In light of what has been explained above, the planning proposal is in effect a 'paper-rezoning' only. The nature of the LEP amendment is thus minor, however, because it is a rezoning proposal, it is our understanding that this alone categorises the proposal as 'major'. Apart from the simple effect of an amendment to the zoning, height of buildings and floor space ratio maps, the proposal has no complexity and is sufficiently unique in its location and established usage that it will not give rise to an unwanted precedent for SP2 sites.



Turning now to the ELS, the study was first commissioned by the former Hurstville City Council who appointed JLL and its project team (Cox Architecture and SJB) on 23 September 2014 to undertake an Employment Lands Study within the former Hurstville LGA. The objective and aims of that study are to:

- Set a clear strategic direction for all employment lands [*as defined within the study*] within the Georges River Local Government Area;
- Review all recent employment and economic studies for the St George Region;
- Undertake an analysis of the supply and demand for commercial, retail and residential floor space in the Local Centres and Neighbourhood Centres of the former Hurstville LGA and industrial floor space in industrial areas of the Georges River LGA for the next 10 and 20 years;
- Provide advice on the potential to reach employment forecasts (utilising BTS estimates) of the employment lands within the former Hurstville LGA;
- Review the existing planning controls (LEP & DCP) for the subject employment lands and provide recommendations which may assist achieving the forecast employment numbers;
- Ensure sufficient employment land is retained across the whole Georges River LGA to accommodate existing and potential growth across a range of employment types.
- Provide recommendations for new planning controls to achieve the forecast dwelling and employment targets; and
- Investigate alternative opportunities for existing employment lands including revitalisation of these areas.

It has proceeded in two stages:

- (i) Stage 1 - Background Report
- (ii) Stage 2 - Industrial Lands Strategy and Commercial Lands Strategy

Of particular note is the scope of the study which has since been expanded to include the former Kogarah LGA following the proclamation to bring together both the former LGAs under the one governing body of Georges River Council on 12 May 2016. A future objective of the study is to expand its application so as to take in the Blakehurst and Kogarah Bay wards.

In terms of land application, the study is only concerned with land already zoned for employment purposes outside of the Hurstville CBD city centre and thus expressly excludes B3 and B4 zoned sites. This includes land zoned B1 'Neighbourhood Centre', B2 'Local Centre' and IN2 'Light Industrial' zoned land. The study however does not consider the suitability of LGA sites with alternative zonings that might otherwise be ideal for employment usage, or indeed that are presently being used for employment purposes under a historical use rights consent and/or previous zoning. As a consequence, the LL site is not expressly featured or mentioned in the ELS, and thus by implication, not within the inventory of the employment



lands and available floor space identified by the commissioned consultants for that study.

We would thus caution Council as to the completeness of that study, as the study has only embraced lands presently zoned for employment uses, and not brought into scope lands that are zoned for something else but carry an existing permissive employment use right. The LL site is one such example, and should be considered within scope. At the time of writing, LL employs 14 full-time staff and 60 part-time or casual staff that are located at the LL site in Peakhurst Heights. When measured in terms of a single full-time-equivalent (FTE) figure, the Peakhurst Heights site provides employment for 37.6 FTEs, making it by far the largest employer in the precinct, and one of the largest employers in the former Hurstville LGA.

LL also have a further 8 full-time staff and 109 part-time or casual staff at their other locations across Sydney, and are supported by a further 53 Volunteers. When measured in total for the whole operation, LL employs 66.3 FTEs. By deduction, 57% of its organisational-wide FTE labour force is therefore attached to the Peakhurst Heights site.

In light of the reality that some 74 people are employed at the Peakhurst Heights site in one way or another, it is difficult to accept any premise that the site not be rezoned to formalise the established employment purpose for which it has been used for the last 24 years. It is also worth noting that in 2016 alone, a total of 613 individual children were supported by staff and volunteers at the Pindari Road premises at Peakhurst Heights. These comprised 505 children attending private tuition sessions, and a further 107 attending the pre-school. Council should note that the centre at Peakhurst Heights also has a sizeable waiting list. The centre is thus well and truly operating at capacity. There is also an acute need to provide space for children with disabilities who are on that waiting list.

(ii) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The existing zoning of the LL site necessitates the furnishing of this planning proposal in order to allow for a redevelopment of the site to achieve better functional efficiency outcomes for LL, substantially improved Workplace Health and Safety, and modern amenity for students, staff and parents that use or frequent the premises.

The approved existing use of land pre-dated the current Local Environmental Plan ('LEP') HLEP 2012. In the current HLEP, SP2 'Church' zoned land does not permit a community educational establishment. That therefore confers an existing use right upon both sites by virtue of the LL operation already being in place pursuant to its historical Council approval to operate. On its face, and subject to Council approval, LL could therefore rely on the existing usage if seeking to extend or renovate the existing premises further upon both these lots even though the zoning prohibits the usage. However, if a complete demolition and rebuild of premises is desired with the same usages in mind, then it is highly unlikely this would be approved as the usage is clearly prohibited as a fresh development. Furthermore, as LL are a community





funded organisation, their objective to invest in development that may provide future revenue sources such as shopfront revenue or a café is also stymied by the existing zoning.

One alternative way to potentially address the existing zoning challenge to achieve the objectives or intended outcomes is to leave the zoning as is and seek the endorsement of Council to seek additional permitted uses for 12-14 Pindari Road under clause 2.5 of HLEP 2012. With the concurrence of Georges River Council and the NSW State Government, this would see those addresses added to the list at schedule 1 of HLEP 2012 so that the unique right of usage is provisioned without prejudice to other sites with a similar zoning throughout the Georges River Local Government Area. The downside to this approach however is that it does not necessarily future-proof the site from a further planning proposal in the years ahead. The proponent also notes that the process and duration to seek remedy under clause 2.5 is likely to take the same length of time as any rezoning would given that both approaches require an amendment to HLEP 2012 in one form or another.

Notwithstanding the comments above, it is appreciated that in the unlikely event of any future negative public reaction to the rezoning proposal, that the clause 2.5 approach would offer an alternative solution, albeit the less desirable longer-term environmental planning outcome for the site and its surrounding context. Nonetheless, it is clear that this alternative is not a better way of achieving the objectives of the proposal and desired outcomes.

With the potential future loss of LL in this location comes the loss of local jobs. In the neighbourhood suburbs of Peakhurst Heights and Lugarno combined, Learning Links is by far the largest employer. That would mean the loss of 14 full-time positions, 60 part-time casual positions, and the knock-on economic impact to a number of other indirect local businesses that presently service LL at Peakhurst Heights in one form or another.

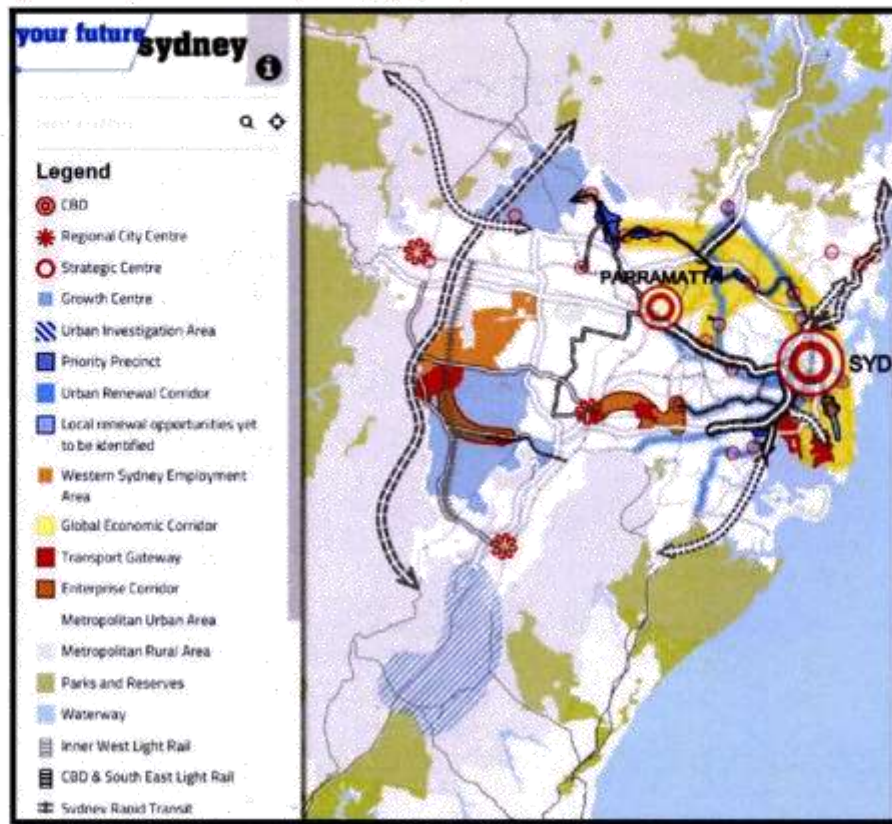
(iii) Is the planning proposal consistent with the objectives and actions of applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies) ?

The NSW Government's plans and strategies inform and guide local government planning and decision-making. In terms of the Georges River Council local government area, the Sydney Metropolitan Strategy, South Subregional Strategy and South District Plan are the three key plans which address future growth in Sydney and the Georges River local government area (LGA).

*A Plan for Growing Sydney*, released in December 2014, is the NSW Government's plan for the future of the Sydney Metropolitan Area through to 2034. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space. Figure 5 provides a geographic snapshot of the key hotspots within that plan.



Figure 5 - Hotspots within 'A Plan for Growing Sydney'



Source: NSW Planning & Environment Website

The map above identifies that Peakhurst Heights sits just marginally west of an urban investigation area (defined as the Sydney to Sutherland rail line), but is otherwise not located within any corridor, transport hub, growth centre, regional centre or strategic centre. The land is also not within a state significant precinct.

At the time of writing, there are no other known draft State plans or other public exhibitions of instruments of relevance to this site. A new Draft NSW Metropolitan Strategy for Sydney 2031 was released in March 2013. The land falls within the greater Sydney Region, hence it does not form part of any other regional plan. It does however form part of the Draft South District Plan which is addressed later.

The strategic planning context for the consideration of this planning proposal therefore includes the:

- (i) Metropolitan Plan for Sydney 2036 (Metropolitan Plan) released by the State Government in December 2010 which seeks to concentrate new development around existing town centres and public transport service;



- (ii) Draft Metropolitan Strategy for Sydney released on 18 March 2013;
- (iii) Draft South Subregional Strategy exhibited between 24 December 2007 to 28 March 2008; and
- (iv) Draft South District Plan

These NSW Government plans and strategies inform and guide government planning and decision-making. The Sydney Metropolitan Strategy and South Subregional Strategy are two key plans which address future growth in Sydney and Georges River LGA. The Strategy divides Sydney's Greater Metropolitan Region into ten subregions. The former Hurstville LGA which includes Pindari Road is part of the South Subregion. Hurstville was designated as a 'Major Centre' within the South Subregional Strategy. The draft South Subregional Strategy was released by the NSW Department of Planning in December 2007 and establishes the broad framework for the long-term development of the Region. This Subregional Strategy provides for a target of 3,000 additional jobs and 4,100 new dwellings to be accommodated in Hurstville by 2031.

Each of these plans are addressed as follows.

- **Metropolitan Plan for Sydney 2036**

The Metropolitan Plan 2036 (MP) is the strategic plan that guides Sydney's growth to 2036. The Plan is an integrated long-term planning framework that will significantly manage Sydney's growth and strengthen its economic development to 2036, while enhancing its unique lifestyle, heritage and environment.

Regional Cities supply the region's high order services and support the business growth sectors providing jobs in Southern Sydney. Their role is critical, particularly in terms of the role they plan in offering employment opportunity closer to where people live, and thus less need to travel. The MP anticipates the former Hurstville local government area alone will provide an additional 41,000 dwellings and 3,000 jobs by 2,031.

- **Draft Metropolitan Strategy for Sydney 2031**

The draft strategy was released for public exhibition by the State Government on 18 March 2013 but details have not being worked out fully at LGA levels. Hurstville remains a major centre with a primary focus for additional office, retail, entertainment, cultural and public administration growth as well as higher intensity residential development. The aim is to provide capacity for at least 5,000 additional jobs by 2031. These targets were taken into account in the implementation of the new Comprehensive Local Environmental Plan and in developing Hurstville's other planning instruments to ensure well designed urban development.

The draft strategy highlights nine new areas of growth and development since the previous Plan (summarised above) was released in 2010, as well as areas predicted to grow between now and 2031. One of the key announcements was the introduction of nine new city shapers. According to the strategy, these areas present opportunities for "change and development





that are critical for the growth of Sydney". The LL site is not included or identified as one of the city shapers, nor do any of the surrounding sites inclusive of the Pindari Road neighbourhood shops precinct. This therefore suggests the lands do not have a regional employment role to perform in this location, despite the reality that they already do when delivering children's educational support services in their local community.

- **South Subregional Strategy**

The metropolitan area is too large and complex to resolve all the planning aims and directions down to a detailed local level. Thus the MP sets the framework targets for 10 metropolitan subregions to provide for major growth in housing and employment in the subregion.

The south sub-regional planning strategy, released by the NSW Department of Planning in December 2007, covers the existing and former local government areas of Hurstville, Kogarah, Rockdale, Sutherland, Canterbury and Marrickville sets the broad direction for additional dwelling and employment growth. The target for the south subregion is 29,000 new jobs and 35,000 new dwellings between 2006 and 2036. The majority of jobs (comprising > 84% of the subregions target) will be concentrated within the Hurstville and Kogarah town centres, and the specialised centre that is the airport.

Hurstville is designated as a 'major centre' within the South Subregional Strategy. The draft South Subregional Strategy established the broad framework for the long-term development of the Subregion with specific targets for major centres. This strategy provides for a target of 3,000 additional jobs in Hurstville and 42,000 new dwellings to be accommodated in the Southern Sub Region by 2031.

- **Draft South District Plan**

The Greater Sydney Commission recently placed on public exhibition the first ever 20 year draft District Plans, one for each of Greater Sydney's six Districts.

The goal of these Plans is to have well-coordinated, integrated and effective planning for land use, transport and infrastructure. They are intended to be the link between the State Government's Greater Sydney Region Plan – *A Plan for Growing Sydney* – and the Local Environmental Plans of each Council.

The draft District Plans set out the opportunities, priorities and actions and provide the means by which the Greater Sydney Region Plan, *A Plan for Growing Sydney* can be put into action at a local level.

This draft District Plan sets out aspirations and proposals for Greater Sydney's South District, which includes the local government areas of Canterbury-Bankstown, Georges River and Sutherland. It has been developed by the Greater Sydney Commission.

Amongst the eight overarching priorities contained within that plan, five of those are supported by the planning proposal. These include:



- (i) Planning for job target ranges for strategic and district centres
- (ii) Growing economic activity in centres
- (iii) Leveraging health and education assets as catalysts to grow smart jobs
- (iv) Managing employment and urban services land across the District
- (v) Accessing a greater number of jobs and services within 30 minutes

The South District's local and district centres provide a diverse range of predominantly population-serving economic activities and are important to the prosperity and liveability of the District. The Peakhurst Heights Neighbourhood Centre is a local centre and draws the majority of its trade from the local area population. It forms a part of the greater Hurstville District Centre. The particular characteristics and value add of these centres informs the preparation of appropriate planning controls to protect, support and enhance the economic functions of these areas. This is also the approach that was taken to inform the planning proposal.

One of the three stated productivity actions within the South District Plan is P2: Develop an economic development strategy for the Eastern City, with the stated outcome being to increase the total number of jobs and the proportion of health and education and knowledge and professional services jobs.

Councils are required to give effect to District Plans as soon as practicable after a District Plan is made, and draft District Plans are intended to guide the preparation of planning proposals under Part 3 of the Act. This is established by the Department of Planning and Environment's *Guide to Preparing Planning Proposals* (August 2016).

The draft South District Plan outlines the proposed priorities and actions to drive the South District's productive economy. It draws on *A Plan for Growing Sydney's* Goal 1, which seeks to grow a competitive economy with world-class services and transport, as well as the priorities from *Our vision – Towards our Greater Sydney 2056*. Between 1996 and 2016, the highest jobs growth occurred in the health and education sector (73%), followed by knowledge-intensive jobs (32%) and population-serving jobs (24%). Industrial employment declined by nearly 17%. It is important to note that Learning Links has also had significant growth in recent years and forms a valued part of the local health and education sector, and thus the local economy.

The plan points to the potential of the health and education sector to play a significant economic role in the South District's future. Employment and urban services areas across the District demonstrate high labour productivity and this expressly includes Peakhurst. Employment and urban service lands play a critical role in the efficient and effective function of the District. The plan acknowledges the comparative scarcity of this resource, and identifies that a holistic and precautionary approach to their planning should be undertaken. The aims of the planning proposal are intended to assure the existing health and education employment focus of the site in question for many years to come.



Further to all that has been discussed above, there are otherwise no significant Commonwealth or State interests in the planning proposal other than those that in general support the initiative to encourage a more appropriate planning and development outcome on the site consistent with the State's regional and subregional strategic planning framework described above.

(iv) Is the planning proposal consistent with the Georges River Council local strategy or other local strategic plan?

It is inevitable that the recent amalgamation of Hurstville City Council and Kogarah Council will see the publication of a new strategic plan for the Georges River Council LGA in the near future. Until then, the Hurstville Community Strategic Plan 2025 ('HCSP 2025') continues to be the prevailing instrument applicable to the Pindari Road site. Hurstville City Council adopted the Community Strategic Plan 2025 and the Delivery Program 2015-19 at its meeting on 3 June 2015 and they came into effect from 1 July 2015. The document references the Employment Lands Study which is further addressed at section 2 of this Addendum. There are no other references in the Community Strategic Plan that are of any direct or indirect relevance to the planning proposal not otherwise covered by the more detailed Employment Lands Strategy.

Finally, this planning proposal does not arise due to a change in circumstances, such as change triggered by investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls. The proposal arises purely because the existing land use is inconsistent with the existing zoning which thus inhibits full redevelopment of the site. The desired zoning is considered to be the one of best fit given the surrounding environmental context and the opportunity under that zoning to tie in the existing function of Learning Links with a broader experience offering that may include a café and retail premises or similar.

The retention and sustainment of LL in the local community is clearly important to the on-going social and cultural growth of the Hurstville area. Other than this aspect of the plan, there are no direct impacts either way from this planning proposal upon the HCSP 2025. There is however a very relevant document that Council has recently placed on public exhibition for community comment, namely the Draft Georges River Employment Lands Study dated 9 March 2017.

In direct response to that study, a submission has been provided to Georges River Council in concert with the lodgment of this planning proposal. A copy of that submission is included at Appendix 1. The submission asserts the overlooked significance of LL as a precinct employer and as a significant contributor to the LGA in both a social and economic context. Section 13 of Stage 2 of the ELS: Industrial and Commercial Lands Strategy of Georges River Council sets out suggested opportunities for B1 Neighbourhood centres. In particular, it identifies at section 13.2.1 that an increase in permissible height from 9.0 metres to 12.0 metres should be considered in order to better enable the current FSR of 1.5:1 for this zone to be realisable. The report also identifies that this recommendation be considered in conjunction with shops





being permitted within the B1 zone. This follows from the discussion at paragraph 7.5.1 of the ELS Background Report that there may be opportunity to expand the permissive uses under B1 'neighbourhood centre' zonings to include shops (inclusive of a supermarket), although in the case of this particular site, the landholding is considered too small, fractured and incapable of providing the necessary car parking for a viable business case to support a supermarket.

The proponent has no objection to the recommended enhancements to the B1 zone for both height and permitted uses. Given the proponents express objective in preparing this planning proposal, it is considered that both the opportunities identified for permissible height and uses as discussed above would only be of further benefit to the proponents objectives to redevelop their site for a sustainable long term future as this also gives them the flexibility to develop their site more effectively to maximise open space footprints for the benefit of children that use the site, and provides more opportunity to create a space or spaces that may also provide them with future income streams and theming opportunities (eg, a dedicated learning centre shop with educational product, learning-centre café etc).

(v) Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policies (SEPPs) deal with matters of State or regional environmental planning significance. A thorough review of the prevailing list of non-repealed SEPPs has been conducted as demonstrated below. We have determined that there are no applicable SEPPs for this planning proposal.

This list is ordered numerically for numbered SEPPs and by date of publication for un-numbered SEPPs, with the most recent policies appearing at the start of the list.

1: *State Environmental Planning Policy (State and Regional Development) 2011*

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

Conclusion: The SEPP is not applicable for this proposal. The LL site is not state significant.

2: *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*

The aims of this Policy are to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal. The Policy provides that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality. The Policy also aims to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

Conclusion: The SEPP is not applicable for this rezoning proposal.

3: *State Environmental Planning Policy (Urban Renewal) 2010*

The aims of this Policy are to establish the process for assessing and identifying sites as urban renewal precincts, to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and to facilitate delivery



of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

Conclusion: The SEPP is not applicable for this proposal. The LL sites are not part of an urban renewal precinct.

4: *State Environmental Planning Policy (Affordable Rental Housing) 2009*

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

Conclusion: The SEPP is not applicable for this proposal. There is no objective to provide affordable rental housing as part of this proposal.

5: *State Environmental Planning Policy (Western Sydney Parklands) 2009*

The aim of the policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into multi-use urban parkland for the region of western Sydney.

Conclusion: The SEPP is not applicable for this proposal. The LL sites are not Western Sydney Parklands.

6: *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

Conclusion: The SEPP is not applicable for this proposal. The proposal is not concerned with exempt and complying development.

7: *State Environmental Planning Policy (Western Sydney Employment Area) 2009*

Promotes economic development and the creation of employment in the Western Sydney Employment Area by providing for development, including major warehousing, distribution, freight transport, industrial, high technology and research facilities. The policy provides for coordinated planning, development and rezoning of land for employment or environmental conservation purposes.

Conclusion: The SEPP is not applicable for this proposal. The site is not within the western Sydney employment area.

8: *State Environmental Planning Policy (Rural Lands) 2008*

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4.



Conclusion: The SEPP is not applicable for this proposal. The LL sites are not Rural Lands.

9: *State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007*

The aim of this policy is to strengthen the assessment framework for development within the alpine resorts and to reinforce environmentally sustainable development and recreational activities within these resorts. The Policy also facilitates the protection of the natural and cultural setting of the alpine resorts in Kosciuszko National Park.

Conclusion: The SEPP is not applicable for this proposal. The LL sites are not Alpine Resort land.

10: *State Environmental Planning Policy (Infrastructure) 2007*

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here.

Conclusion: The SEPP is not applicable for this proposal. It is not concerned with infrastructure.

11: *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007*

Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. Note: This SEPP was formerly known as SEPP (Temporary Structures and Places of Public Entertainment) 2007 and SEPP (Temporary Structures) 2007.

Conclusion: The SEPP is not applicable for this proposal. It is not concerned with the need to establish temporary structures.

12: *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

Conclusion: The SEPP is not applicable for this proposal. The sites are within an urban area.

13: *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*

Provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region (in conjunction with Environmental Planning and Assessment Regulation relating to precinct planning).

Conclusion: The SEPP is not applicable for this proposal. It is not located in either of the two growth centres of Sydney.

14: *State Environmental Planning Policy (State Significant Precincts) 2005*





Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: this SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.

Conclusion: The SEPP is not applicable for this proposal. It is not located within a state significant precinct.

15: *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.

Conclusion: The SEPP is not applicable for this proposal. This is a rezoning only.

16: *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07.

Conclusion: The SEPP is not applicable for this proposal. It is not concerned with seniors living or disability housing.

17: *State Environmental Planning Policy No 71 - Coastal Protection*

The policy has been made under the Environmental Planning and Assessment Act 1979 to ensure that development in the NSW coastal zone is appropriate and suitably located, to ensure that there is a consistent and strategic approach to coastal planning and management and to ensure there is a clear development assessment framework for the coastal zone.

Conclusion: The SEPP is not applicable for this proposal. The site is not located in a coastal area.

18: *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*

Raises the design quality of residential apartment development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential apartment development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.



Conclusion: The SEPP is not applicable for this proposal. It is not concerned with the construction of residential apartments.

19: *State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)*

Extends the life of affordable housing provisions relating to: Sydney Regional Environmental Plan No. 26 - City West, Willoughby Local Environmental Plan 1995, South Sydney Local Environmental Plan 1998. Schemes such as these are helping to provide affordable housing in areas undergoing significant redevelopment.

Conclusion: The SEPP is not applicable for this proposal. It is not concerned with the provision of affordable housing.

20: *State Environmental Planning Policy No 64 - Advertising and Signage*

Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications

Conclusion: The SEPP is not applicable for this proposal. It is for a rezoning only.

21: *State Environmental Planning Policy No 62 - Sustainable Aquaculture*

Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks.

Conclusion: The SEPP is not applicable for this proposal. It is not concerned with Aquaculture.

22: *State Environmental Planning Policy No 55 - Remediation of Land*

Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

Conclusion: The SEPP is not applicable for this proposal. The land has had long-term use as a church and as a childrens education facility.



23: *State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas*

The Policy provides the thresholds to determine when consent is, or is not required for farm dams. The SEPP considers significant dams designated development. The policy also enables irrigation corporations to carry out maintenance and emergency works without development consent.

Conclusion: The SEPP is not applicable for this proposal. It is not a farm.

24: *State Environmental Planning Policy No 50 - Canal Estate Development*

Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments

Conclusion: The SEPP is not applicable for this proposal. It is not located near a canal or aquatic environment.

25: *State Environmental Planning Policy No 47 - Moore Park Showground*

Enables the redevelopment of the Moore Park Showground for film and television studios and film-related entertainment facilities in a manner that is consistent with the Showground's status as an area important to the State and for regional planning.

Conclusion: The SEPP is not applicable for this proposal. It is not within the Moore Park Showground area.

26: *State Environmental Planning Policy No 44 - Koala Habitat Protection*

Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy applies to 107 local government areas. Councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

Conclusion: The SEPP is not applicable for this proposal. The site does not provide habitat for Koala's.

27: *State Environmental Planning Policy No 36 - Manufactured Home Estates*

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the council can approve development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.

Conclusion: The SEPP is not applicable for this proposal. The site is within the Sydney Region.



28: *State Environmental Planning Policy No 21 - Caravan Parks*

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

Conclusion: The SEPP is not applicable for this proposal. It is not a caravan park, nor is it zoned for that usage.

29: *State Environmental Planning Policy No 33 - Hazardous and Offensive Development*

Provides definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. For example, any application to carry out a potentially hazardous or potentially offensive development is to be advertised for public comment, and applications to carry out potentially hazardous development must be supported by a preliminary hazard analysis (PHA). The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

Conclusion: The SEPP is not applicable for this proposal. No hazardous or offensive development is proposed.

30: *State Environmental Planning Policy No 30 - Intensive Agriculture*

Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning controls over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.

Conclusion: The SEPP is not applicable for this proposal. The site is within an established urban area.

31: *State Environmental Planning Policy (Kurnell Peninsula) 1989*

The general aims and objectives of this Policy are to conserve the natural environment of the Kurnell Peninsula and ensure that development is managed having regard to the environmental, cultural and economic significance of the area to the nation, State, region and locality. To apply environmental performance criteria which will ensure that the environment is not adversely affected by development. To promote, encourage and facilitate opportunities for commercial, industrial and tourist development consistent with the conservation of the unique ecological and landscape attributes of the Kurnell Peninsula. To ensure that development is co-





ordinated to allow the economic and efficient provision of public services and amenities having regard to the environment. To promote the sharing of responsibility for environmental planning on the Kurnell Peninsula between the Council, the Department of Planning, the Department of Environment, Climate Change and Water, the Department of Industry and Investment and Sydney Water Corporation. To protect, enhance and utilise the tourism, leisure and recreation potential of the Kurnell Peninsula so far as it is consistent with the conservation of its ecological and heritage value.

Conclusion: The SEPP is not applicable for this proposal. It is not located within the Kurnell peninsula.

32: *State Environmental Planning Policy No 26 - Littoral Rainforests*

Protects littoral rainforests, a distinct type of rainforest well suited to harsh salt-laden and drying coastal winds. The policy requires that the likely effects of proposed development be thoroughly considered in an environmental impact statement. The policy applies to 'core' areas of littoral rainforest as well as a 100 metre wide 'buffer' area surrounding these core areas, except for residential land and areas to which SEPP No. 14 - Coastal Wetlands applies. Eighteen local government areas with direct frontage to the Pacific Ocean are affected, from Tweed in the north to Eurobodalla in the south.

Conclusion: The SEPP is not applicable for this proposal. The site is within an established urban area.

33: *State Environmental Planning Policy (Penrith Lakes Scheme) 1989*

The aims and objectives of this Policy are to permit the implementation of the Penrith Lakes Scheme. In particular the Policy aims to provide a development control process establishing environmental and technical matters which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment, to identify and protect items of the environmental heritage, to identify land which may be rezoned for urban purposes, and to permit interim development in order to prevent the sterilization of land to which this Policy applies during implementation of the Penrith Lakes Scheme.

Conclusion: The SEPP is not applicable for this proposal. The site is located at Peakhurst Heights.

34: *State Environmental Planning Policy No 19 - Bushland in Urban Areas*

Protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

Conclusion: The SEPP is not applicable for this proposal. The site is already developed, and other than two trees, it does not contain urban bushland, nor does it adjoin urban bushland.

35: *State Environmental Planning Policy No 14 - Coastal Wetlands*

Ensures coastal wetlands are preserved and protected for environmental and economic reasons. The policy applies to local government areas outside the Sydney metropolitan area that front the Pacific Ocean. The policy identifies over 1300





wetlands of high natural value from Tweed Heads to Broken Bay and from Wollongong to Cape Howe. Land clearing, levee construction, drainage work or filling may only be carried out within these wetlands with the consent of the council and the agreement of the Secretary of the Department of Planning and Environment. Such development also requires an environmental impact statement to be lodged with a development application. The policy is continually reviewed. It has, for example, been amended to omit or include areas, clarify the definition of the land to which the policy applies and to allow minimal clearing along boundaries for fencing and surveying.

Conclusion: The SEPP is not applicable for this proposal. The site is not coastal.

36: *State Environmental Planning Policy No 1 - Development Standards*

Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

Conclusion: This is a rezoning proposal only to move from a mono-use zone to a multi-use zone, hence the SEPP is not applicable in this instance.

(vi) Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal is issued to seek Council endorsement for further submission to NSW Planning & Environment for a Gateway determination. Accordingly, until such time as that occurs, it is not known what further specific directions under s.117(2) of the Environmental Planning and Assessment Act 1979 may arise over and above the standard requirements for the preparation of a planning proposal.

(vii) 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?

As explained earlier in this proposal, the site in question has had an existing long term use as a learning centre and pre-school for 24 years and was previously used as a church. The site is fully developed and contains two mature trees. It is located in an urban setting and the trees are not part of a connected vegetation corridor. There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of this proposal.

(viii) Are there any other environmental effects as a result of the planning proposal and how are they proposed to be managed?

The approved existing use of land pre-dated HLEP 2012. The site has an existing use right upon both sites by virtue of the LL operation already being in place pursuant to its historical Council approval to operate.

On its face, LL could therefore rely on the existing usage if seeking to extend or renovate the existing premises further upon both these Lots under a standard development application,



eventhough the zoning does not specify the current usage. Under this scenario, a future compliant development application for alterations and/or additions is likely to be successful. However, if a complete demolition and rebuild of premises is desired with the same usages in mind, then this could not be approved as the usage is clearly prohibited as a fresh development. It is therefore considered that any question regarding any future development application scenario under the proposed zoning would clearly assess the environmental effects on its merits as is usually the case with any development application. There is nothing to indicate any new environmental effects are triggered by the planning proposal itself.

(ix) Has the planning proposal adequately addressed any social and economic effects?

The LL site acts as the northern bookend for a non-residential corridor of land that also includes a local neighbourhood business strip (inclusive of shop-top housing) to the south that is interrupted by a small strip of public recreational land. Beyond the neighbourhood business strip, another small strip of public recreation land occurs further to the south before the context changes to low density (R2) residential. The LL site is also situated directly across the road from another SP2 site to the east which contains Peakhurst South Public School. To the west and north of the sites, the environmental context is thickly R2 low density residential.

The proposed zoning is a paper-change only to better align with the existing use of the site and the adjacent zoning for the Pindari Road neighbourhood centre. It will not result in any unwanted rezoning precedent because this is the only SP2 'Church' site in this location. By aligning with the pre-existing zoning of the adjacent neighbourhood centre/shops and shop-top housing, it will thus complement the existing centre, and will not in any way redefine it or negatively impact upon the immediate or surrounding environment.

It is possible, and indeed likely that a future redevelopment of land under the zoning proposed will see a multi-use facility that may incorporate a lettable retail and/or commercial tenancy. One suggestion that the proponent will consider is the addition of a future café tied into the recreational outlook of the adjacent public reserve and shops. This would also give the Peakhurst Heights neighbourhood centre a much needed lift in terms of vibrancy and community activation, and ultimately give the neighbourhood centre more of a village feel.

If the planning proposal does not proceed, it is inevitable that the site will become an underutilised or dormant property over time as there will be no incentive under current planning controls to redevelop it, hence the current structure would endure until habitation is no longer safe. The existing zoning is unlikely to translate economically to attract a future market for this site. The Hurstville LGA and surrounding LGAs have numerous examples of small neighbourhood churches that have been vacated over the years where rezonings have been sought for alternative uses. A popular re-use is often child care and pre-school centres.

The location and attributes of the site are highly suited to the usage for which it is currently applied because of its proximity to the local public primary school across the road, the gateway afforded by the adjoining public reserve. This reserve has been hedge-landscaped so as to



blend into the site and thus provide a safety and amenity buffer from the roadway and neighbourhood shops for children that frequent the site.

The reputation of LL as a valued pillar of the local community is beyond reproach, and the sustainment of that pillar is ultimately the greatest social gain that would derive from a rezoning determination consistent with that proposed.

(x) Is there adequate public infrastructure for the planning proposal?

The site area of land to be rezoned is 1,170m<sup>2</sup> and extends an existing neighbourhood centre that is approximately 2,100m<sup>2</sup> in aggregate. The employment occupancy of the site expressed as a full-time-equivalent index of 37.6 employees is presently more than double that of the entire adjacent neighbourhood centre precinct as determined by the Draft ELS presently on exhibition at just 18.2 employees. Existing infrastructure has already proved adequate for the precinct, and we would remind Council that this planning proposal is in effect a paper rezoning only. The area also affords plenty of on-street parking including 45-degree parking spaces in front of the neighbourhood centre itself and more than adequately meets the needs of the whole precinct inclusive of LL regardless of its zoning.

(xi) What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

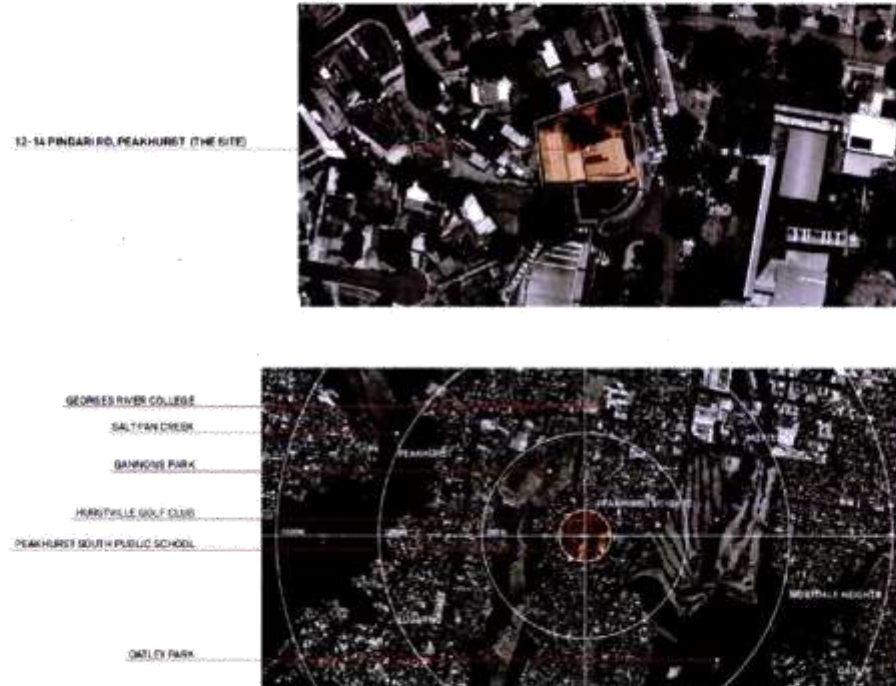
This planning proposal document provides the initial case for Georges River Council to firstly resolve whether or not it endorses the proposal to be forwarded to NSW Planning & Environment for a Gateway determination. Accordingly, this question can only be responded to once the s.117 directions under such a determination are known inclusive of specific agency consultation requirements. These would be addressed by way of an updated/revised planning proposal.



#### 4. PART 4 - MAPPING

Figure 6 provides an aerial perspective of the immediate context of the site, and also the position of the site within a 1.5km radius.

*Figure 6 - The Learning Links site and surrounding context*



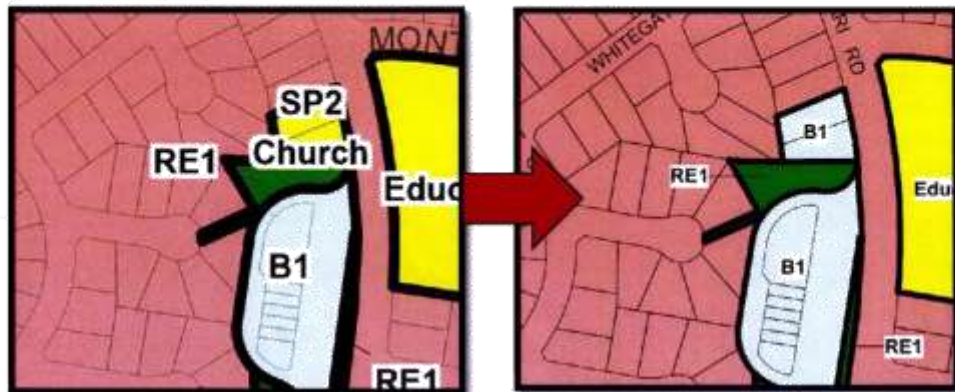
The images above reinforce the description of the surrounding urban context provided in the Introduction section of this planning proposal.

This planning proposal seeks an amendment to be effected to the prevailing zoning map, specifically map LZN\_002 (which has had application since 24 July 2015). This map was presented at Figure 4 and appears again below at Figure 7. Under this planning proposal, these sites would be coloured light blue in line and categorised as 'B1' with the adjacent neighbourhood centre sites.



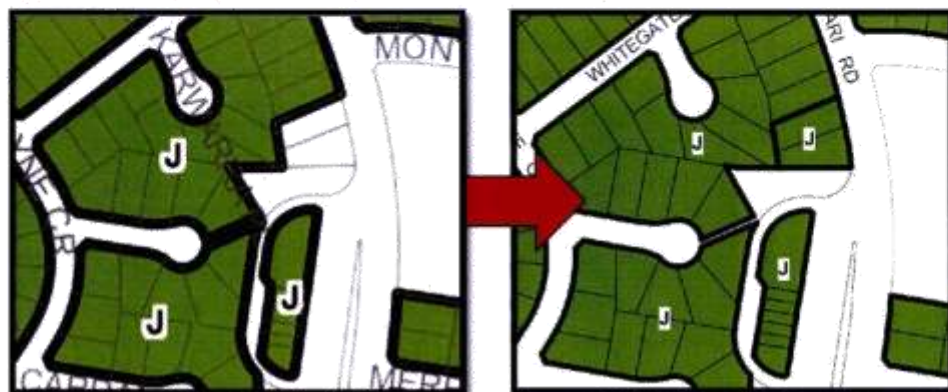


Figure 7 - Extract of Map LZN-002 and proposed amendment to Map



As per map HOB\_002, there are presently no **maximum height controls** specified for the sites in question. Figure 8 provides an extract of the map for the LL site. Under this planning proposal, these sites would be coloured green in line with the rest of the surrounding context so that the standard category 'J' height limit of 9.0m applies.

Figure 8 - Extract of Map HOB-002 and proposed amendment to Map

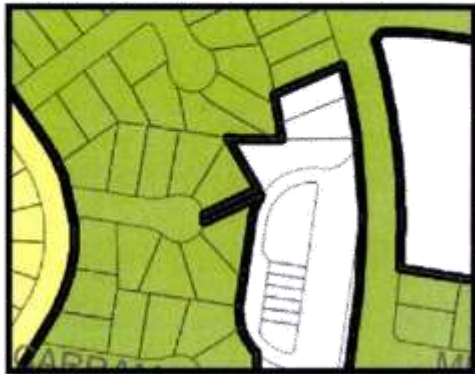


As per map LSZ\_002, there is no **minimum lot size** presently applying to the land. Similarly, there is no minimum lot size applying to the adjacent B1 neighbourhood centre either. Figure 9 provides an extract of the map for the LL site. Therefore, no change is proposed for this map under this planning proposal. Figure 8 provides an extract of the map for the LL sites.



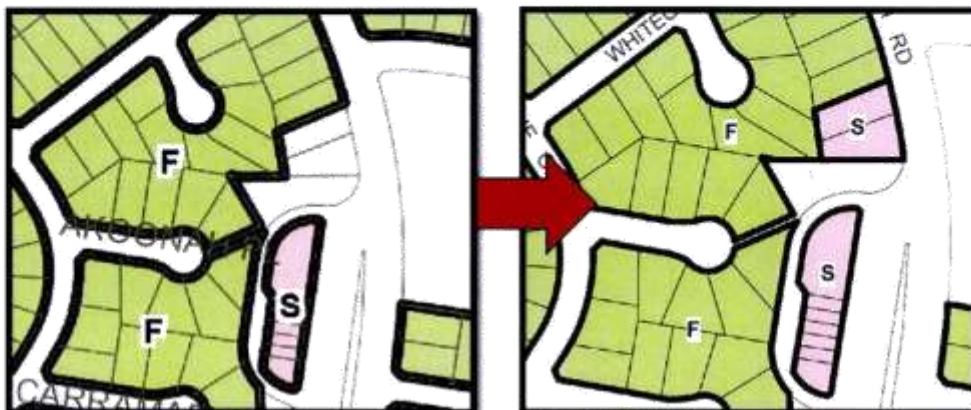


Figure 9 - Extract of Map LSZ-002



As per map FSR\_002, there is presently no maximum floor space ratio specified for the sites in question. Figure 10 provides an extract of the map for the LL site. Under this planning proposal, these sites would be coloured light pink in line with the rest of the adjacent neighbourhood centre so that the standard category 'S' height floor space ratio of 1.5:1 applies.

Figure 10 - Extract of Map FSR-002 and proposed amendment to Map

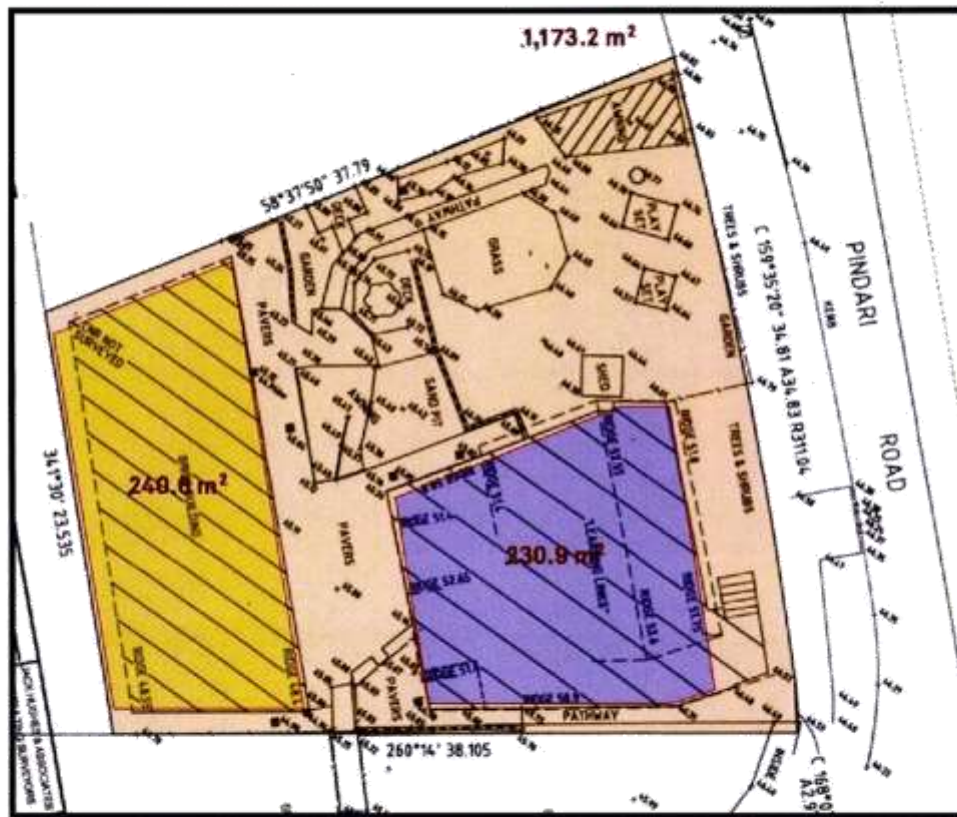


There is no impact upon any other prevailing environmental planning map under HLEP 2012.

Figure 11 provides a survey extract illustrating the GFA overlay for the two existing built forms on-site.



Figure 11 - Site survey and area detail



The yellow-shaded structure comprises two single-level classrooms, while the purple-shaded structure comprises a part-one/part-two storey building best described as a ground floor and basement area. This structure is a former church which was adapted as tutorial rooms, an administration area, meeting rooms, storage and amenities. For simplicity, we have assumed that both levels are fully counted for GFA calculation purposes as the building footprint is essentially the same on both levels. We therefore determine that the existing FSR relative to the 1,170m<sup>2</sup> in total site area is 0.60:1. This has been calculated as follows:

- Main (Purple) Structure (2-storeys) – 461.8m<sup>2</sup> (230.9m<sup>2</sup> x 2 floors) situated wholly within the boundaries of 14 Pindari Road
- Yellow Structure (1-storey) – 240.6m<sup>2</sup> situated so that 144.5m<sup>2</sup> is on No.12 while 96.0m<sup>2</sup> is on No.14 Pindari Road
- Total GFA – 702.4m<sup>2</sup>
- Consolidated site FSR – 0.60:1

The two lots of land considered independently deliver the following existing ratios:

- Site FSR for just No.12 Pindari Road – 0.25:1



- Site FSR for just No.14 Pindari Road – 0.95:1

It is noted that the permissible FSR applying to the existing B1 'neighbourhood centre' at Pindari Road Peakhurst Heights is 1.5:1. It is therefore apparent that a favourable rezoning determination will not result in a non-compliant FSR outcome for existing structures under the zoning proposed by the planning proposal.

The maximum existing building height of the two storey building on site is 7.57m as measured to the highest point of the roof ridge from natural ground level. Due to the former status of this building as a church, the building also contains an architectural Spire (essentially a one-off building design element) which reaches a maximum height of 9.8m. It is noted that the permissible height of buildings applying to the existing B1 'neighbourhood centre' at Pindari Road Peakhurst Heights is 9.0 metres. It is therefore apparent that a favourable rezoning determination will not result in a non-compliant Height of Buildings outcome (apart from the Spire) for existing structures under the zoning proposed by the planning proposal. The anomaly arising due to the Spire is considered inconsequential as it is merely a design element only and not capable of any other usage. It is also noted that should Georges River Council ultimately amend the permissible height of buildings under the B1 zone to 12.0 metres as an identified ELS opportunity, the Spire would be well within that height limit.



## 5. PART 5 - COMMUNITY CONSULTATION

The introduction to LL at section 1 of this planning proposal points to the obvious extensive reach of LL in the local community.

At the time of writing, the Pindari Road premises alone employs:

- 22 full time staff
- 47 part-time staff
- 122 casual staff
- 1 volunteer

In 2016 alone, 612 individual children passed through LL doors at Peakhurst Heights for learning assistance in one form or another or to attend the pre-school. Assuming a rate of say 1.5 parents/guardians per child, it is therefore likely that around 918 unique adults also visited the premises on a regular or irregular basis.

All the above individuals are community stakeholders with a vested interest to ensure the retention and growth of LL into the future. It must also be said that given the premises in question have operated as a LL centre since the early 1990s, the measure of the volume of alumni (children, parents and staff/volunteers) and community respect for the LL brand would be enormous. It is also well known that the organisation relies heavily upon community funding and tuition fees.

The objective of the planning proposal is to enable LL to endure long-term by putting in place the necessary zoning to bring about an orderly redevelopment of its site. In light of this and the obvious support that both past and present customer families would provide LL who have harmoniously co-existed with surrounding landowners over a long timeframe, the sensitivity of the rezoning proposal is likely to be very low, if any. It is therefore not considered necessary to call or hold a public hearing, nor is there any justification for a public notification period that exceeds the four-week standard.

The obvious parties considered to be potentially impacted by the planning proposal are the three adjoining residential properties to the west and north of the site. There is the less likely possibility that the owners of the adjacent neighbourhood centre may see impacts of both a positive and negative nature, but they are more likely to be neutral given their awareness and acceptance of LL in their existing location.

The CEO of Learning Links has written directly to the owners of the adjoining residential properties regarding its intention to pursue a rezoning of its land through this planning proposal. It is assumed that the standard procedure of public notification by Council following a Gateway determination would suffice in terms of other community consultation. It is also appreciated that the Gateway determination itself will determine if there is a need for further studies ahead of any public notification and consultation period.





**6. PART 6 - PROJECT TIMELINE**

The project timeline is based upon reasonable judgments for the required processes under the provisions of the EPAA and the Department of Planning and Infrastructure's *Guide to preparing planning proposals*. The department's guidelines note that the timeframe for the completion of the planning proposal will depend on the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. We consider this particular proposal to be simple and non-controversial, and thus would suggest a more streamlined approach be applied in this instance.

The project timeline in the table below sets out an indicative timetable to effect the rezoning desired in this planning proposal.

Figure 12 – Planning Proposal Project Timeline

Project stage	Time period allowed	Estimated completion date
1. Anticipated date for consideration and endorsement of the planning proposal by Georges River Council	3 months	31.08.17
2. Anticipated approval and reporting period (Council to NSW P&E)	1 month	30.09.17
3. Consideration of planning proposal by the NSW P&E	2 months	30.11.17
4. Anticipated date of Gateway determination and commencement date		Mid Dec 2017
5. Anticipated timeframe for the completion of any further technical information	2 months	28.02.18
6. Government agency consultation (pre and post exhibition as required by Gateway determination)	2 months	30.04.18
7. Commencement and completion dates for public exhibition period	2 months	30.06.18
8. Consideration of submissions	1 month	31.07.18
9. Consideration of a proposal post exhibition (if required)	1 month	31.08.18
10. Anticipated date Georges River Council will forward to the department for notification	1 month	30.09.18
Likely timing for HLEP 2012 mapping amendments to be made		30.11.18





## CONCLUSION

This planning proposal seeks rezoning from SP2 'Church' to B1 'Neighbourhood Centre' for two adjoining lots of land with a combined area of 1,170m<sup>2</sup> at 12-14 Pindari Road Peakhurst Heights.

The rezoning is highly unlikely to have any detrimental community impact because the current use of premises is consistent with the zoning sought, and the reason that rezoning is sought is to allow for future site redevelopment for that on-going purpose, or purposes that are consistent with the of the adjacent B1 neighbourhood precinct.

The current use of both lots of land differs greatly from the permissible use of the land as zoned which post-dated the consent to operate the facility for its current purpose as a community-funded learning centre.

The proposal has compelling strategic planning merit and will deliver a more sustainable environmental planning outcome for this area of Peakhurst Heights for the following reasons:

- This unique location and context presents an opportunity to incentivise any future landowner to create a vibrant urban renewal solution for the aggregate site.
- Without rezoning, it is highly unlikely that this site will ever be re-developed.
- Future redevelopment can contribute to the activation of the public realm relative to the existing under-utilisation of adjacent public reserve land and orientation of the existing development;
- It will assist to stimulate the visitation of the greater neighbourhood precinct which is otherwise very quiet and seemingly over-provided for 90-degree parking spaces which are never fully utilised.
- The urban context of the site inclusive of residential, retail, commercial and education uses has excellent alignment with the permissible uses under B1 zoning.
- Any future built form outcomes will thus be consistent with the surrounding context.
- It is already clear from the sustainment of the existing operation of LL over the last 24 years that the proposed future use is commercially viable.
- The proposal will not create a precedent or expectations for surrounding landowners to follow because the proponent is the only private owner of SP2 sites in this location. Also, the destination zoning is consistent with the existing southern context anyway.
- The proposed new zoning will serve to reinforce and revitalise the existing site use for existing and future employment generating uses through business expansion and the possibility of other commercial or retail tenancy of the property.
- The site is adjacent to a bus stop which provides easy public transport access to the Hurstville Centre and nearby railway stations.
- None of the landholding that is the subject of this planning proposal is environmentally sensitive, nor does it carry any significant biodiversity value.
- There are no environmental hazards or constraints of any significance that would otherwise preclude the approval of the planning proposal.
- There are only three adjoining neighbours to the aggregate site, and the CEO of LL has consulted with them about this rezoning proposal.



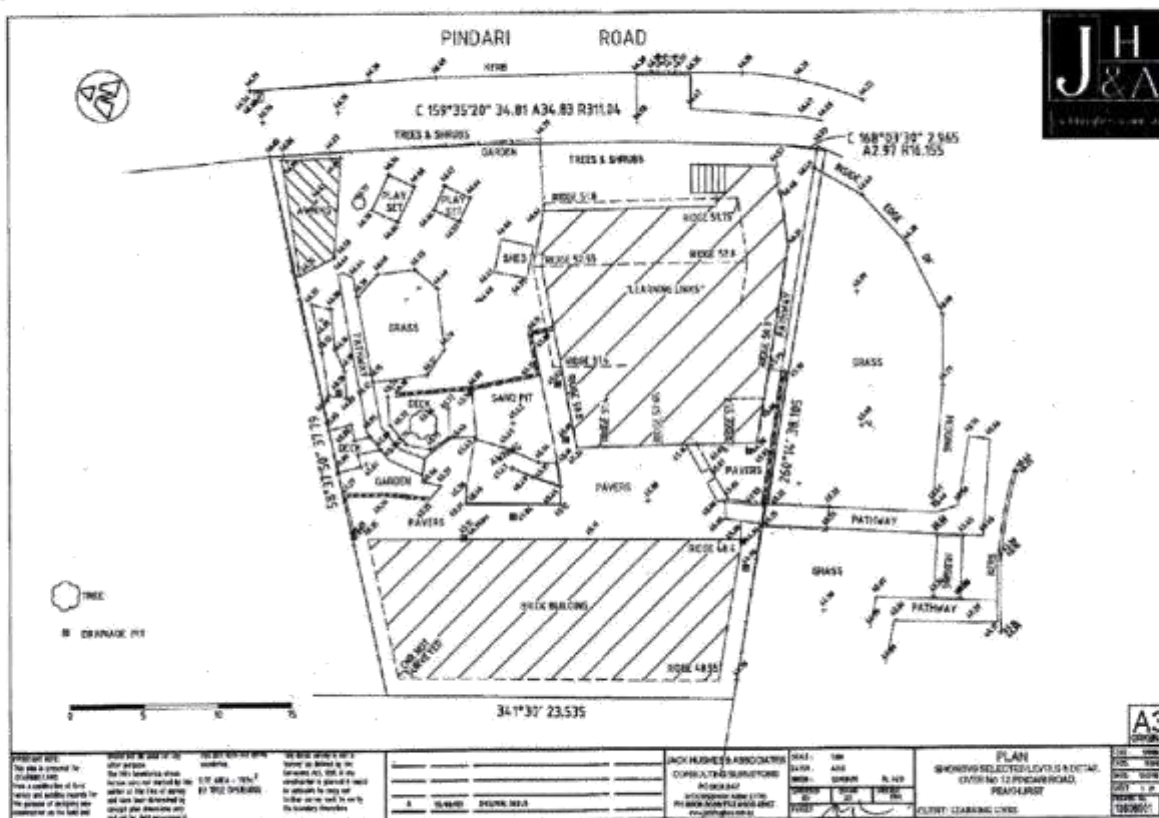
Given all the above reasons that demonstrate the strategic planning merit of what is proposed, we kindly request that Georges River Council forward this planning proposal to the Minister for Planning for a Gateway determination in accordance with section 56 of the EP&A Act.

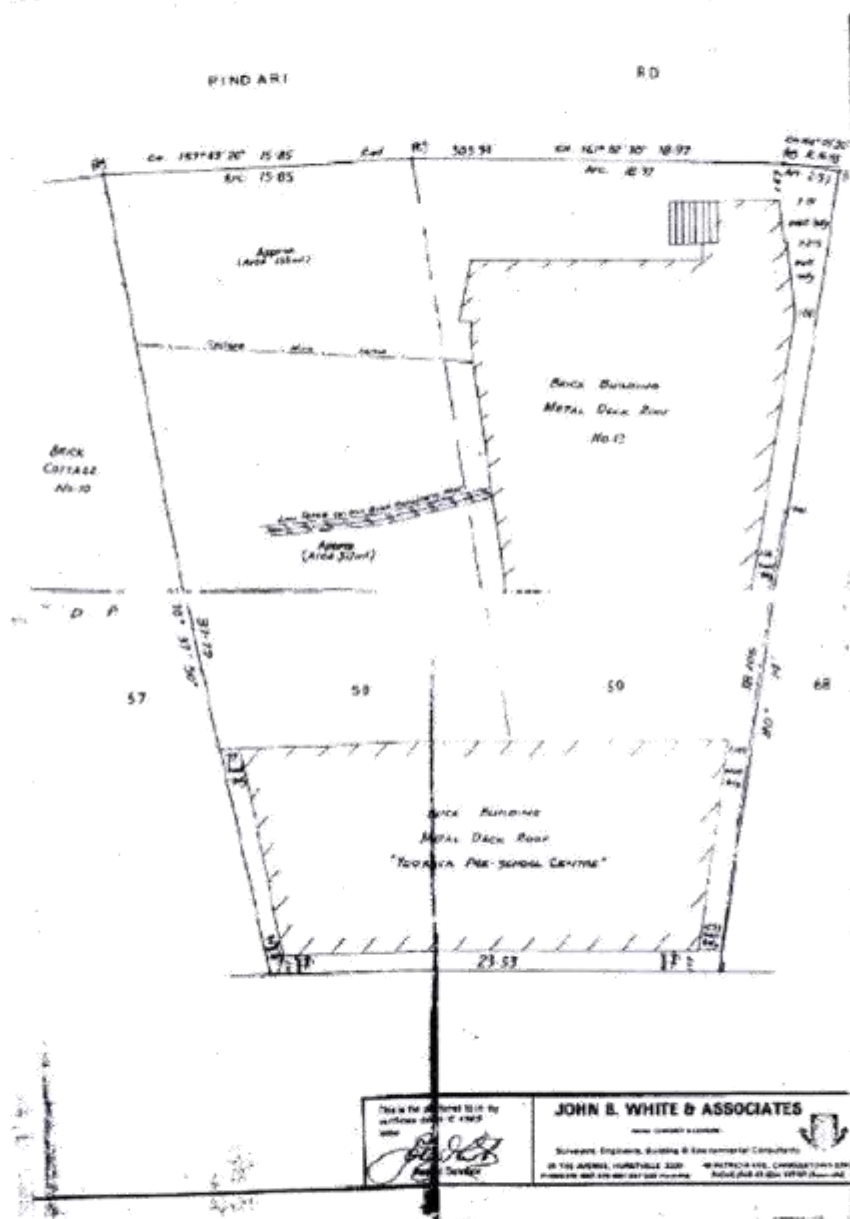


**Appendix 1**

**Copy of submission on the Draft Georges River Council Employment Lands Strategy  
25 May 2017**











23 May 2017

The General Manager  
Georges River Council  
PO Box 205  
HURSTVILLE NSW 1481

Cc: Ms Birgitte Maibom, Chief Executive Officer - Learning Links

Dear Madam,

#### **Draft Employment Lands Study**

I am making this submission as the second of two with respect to the Draft Employment Lands Study ('ELS') which is presently on public exhibition at your Council until 31 May 2017. This particular submission is made on behalf of our client Learning Links, and expressly in regards to the scope, analysis and recommendations of the ELS for the 'Peakhurst Heights - Pindari Rd' precinct being the location of their largest Sydney operation. An earlier submission was provided by on 16<sup>th</sup> May on behalf of another unrelated community-focused organisation, namely Penshurst RSL Club.

I will reiterate at the outset that the two submissions are being made on behalf of two community funded organisations that operate to reinvest back into the communities they choose to reach and serve. Accordingly, there are no private sector objectives in the background to both submissions. It is also particularly important for Council to note that in each case, the two organisations are each the largest individual employers in Peakhurst Heights and Penshurst respectively, and by implication, important stakeholders in the outcomes of the ELS.

#### **Observations - Areas of Interest**

On behalf of Learning Links at Peakhurst Heights, I make the following observations regarding the ELS, being the aspects of the study upon which this submission is based.

- (i) The scope of the study has considered the inventory of employment lands in the local government area by defining these as sites having any of three different zonings, namely:
- B1 'Neighbourhood Centre'
  - B2 'Local Centre'
  - IN2 'Light Industrial'

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The study deliberately excludes IN1 'Heavy Industrial', B3 'Commercial Core' and B4 'Mixed Use', the latter two zones being isolated to the core of the Hurstville City Centre only. This means the study is really concerned with local government area (LGA) precinct employment centres outside of the regional city core of a non-heavy industrial nature only. It is recognised that these locations are often target areas of debate in a world where employment in all sectors is evolving rapidly and developers and planners beg to differ over the attractiveness of these lands for uses other than shop-top housing or intensive residential development.

(ii) The study undertakes an analysis that looks from the outside in, as well as from the inside out through precinct-by-precinct analysis under each zoning classification. The study identifies that Peakhurst Heights is one of the 14 largest employment suburbs for the LGA, and that in terms of employment precincts zoned B1, the adjacent neighbourhood centre in Pindari Rd at Peakhurst Heights comprises one of 16 such precincts. The precinct is said to have 18.2 full-time equivalent (FTE) employees working in that location and is ranked 6<sup>th</sup> most significant for the LGA as measured by FTEs.

(iii) The consultants (JLL) that have undertaken the study indicate that they did a door-to-door survey of businesses within each precinct. The survey excluded our client for zoning reasons as discussed later in this submission.

(iv) The study identifies that there will be additional office floor area demand within the Georges River LGA over the years 2014-2031 of some 1,424m<sup>2</sup> for land in B1 zones, but that the Pindari Road precinct presently has a high vacancy rate for B1 permissive-use space.

#### **Submission**

(i) The definition of scope based on selected zoning has meant that the Learning Links site at 12-14 Pindari Rd Peakhurst Heights has been somewhat ignorantly excluded from the study. The reality is that all LGAs will have pockets of employment activity that occurs upon sites where previous zoning or planning permissions allowed for this, and despite subsequent changes in zonings, the employment activities have endured on a pre-existing use rights basis or under a historical permissive use arrangement with Council.

(ii) The Learning Links site is comprised of two adjoining lots adjacent to the Pindari Rd Neighbourhood Centre. Strategic Planning staff at Council are aware of an imminent planning proposal to extend the existing B1 'Neighbourhood Centre' zoning to be inclusive of the Learning Links site given the long-established and accepted usage of that site, and the desire to redevelop the site so as to deliver a better and more integrated facility, and in turn a more active development outcome to bring economic stimulus to the precinct.

(iii) The ELS identifies 18.2 FTE's for the precinct and 6<sup>th</sup> ranking for that zoning in the LGA. If the ELS had been inclusive of the Learning Links business, the FTE calculation would have instead totalled 55.8 and thus elevate the ranking of this precinct to 4<sup>th</sup> largest on that measure alone. As the process of door knocking did not include this site, the consultants JLL have drawn conclusions about that precinct that we consider to be misleading.

(iv) While the limitations of the ELS and survey process are appreciated, we do consider that the matter of existing lands in the LGA having an employment use that should otherwise be zoned as such deserve inclusion in this study. This is particularly important if the outcomes of the study will

make recommendations for a basket of proposed LEP amendments that may be the subject of a Council-initiated planning proposal. It would seem pertinent that Council should therefore include the rezoning of certain lands within that basket of amendments as employment lands where landowner support is likely to be strong. This ultimately supports better environmental planning outcomes for the LGA and expands the gross floor area potential of legitimate employment lands.

(v) It is noted that the study draws a comparison between available gross floor area (by precinct) and the size of vacant areas so as to provide a measure of existing vacancy rates. In light of the expected future attraction of the Georges River LGA as a place to both live and work, the study would be more informative if it also showed a further column setting out the maximum GFA potential of each precinct inclusive of the Learning Links site for the Pindari Rd precinct.

(vi) The listing of the top employers by precinct reinforces the points we make above that the exclusion of Learning Links from this study is erroneous. Not only is Learning Links by far and away the largest employer in the Peakhurst Heights - Pindari Rd precinct, it is in fact the largest neighbourhood centre employer in the whole LGA. Even compared to the three B1-zoned precincts that outrank it, with a total of 37.6 FTEs employed at their Pindari Rd site alone, it would appear that Learning Links is not even surpassed by Coles at Oatley West.

In conclusion, for the various reasons stated above, we would suggest that Council advise its consultants JLL to make an exception for the Learning Links site at Peakhurst Heights to include them in scope by exception, and to note the reasons in the study. Reference should also be made to the imminent lodgement of their planning proposal to seek rezoning of that land from its existing SP2 'Church' zoning to that of B1 'Neighbourhood Centre'. To otherwise champion an employment lands study that completely omits any reference to an employer that would be the largest if measured under a B1 zone, or one of the largest if measured under a B2 zone would in our view undermine the completeness of the study.

Finally, Council are advised that Learning Links is in the final stages of drafting its planning proposal and expects to lodge this into Council by the end of May 2017, if not before. We thank Council for the quality of strategic planning discussions about both our client sites over the last 6-months, and we look forward to working with Council to help drive better planning outcomes for the precincts of interest within the Georges River LGA.

Yours faithfully,



Wayne Camenzuli  
Managing Director  
Capital Syndications Pty Ltd (trading as Innova Capital)  
*Environmental planners and project directors*

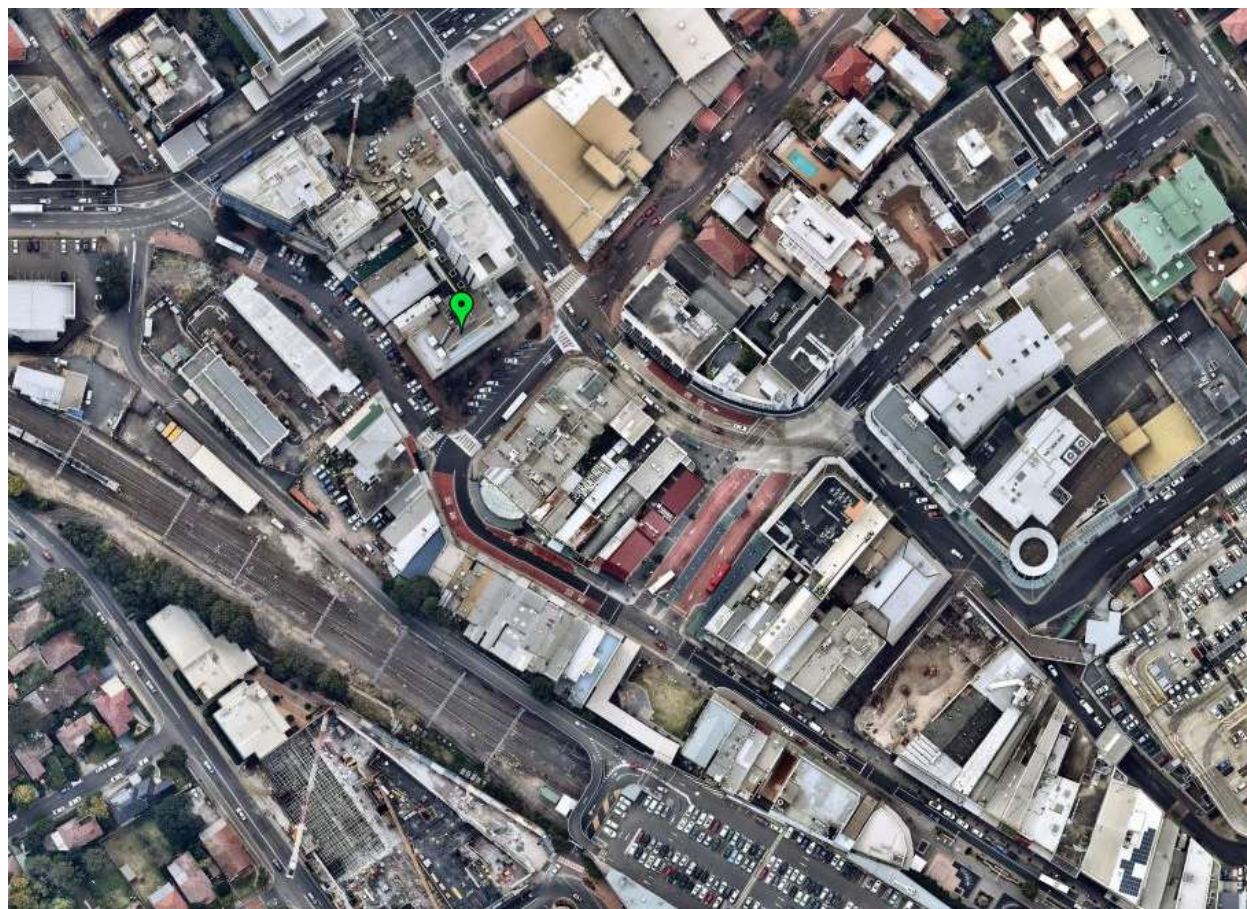


## REPORT TO GEORGES RIVER COUNCIL IHAP MEETING OF THURSDAY, 26 OCTOBER 2017

<b>IHAP Report No</b>	<b>3.2</b>	<b>Application No</b>	<b>DA2017/0149</b>
<b>Site Address &amp; Ward Locality</b>	Suite 1A 34 MacMahon Street Hurstville Hurstville Ward		
<b>Proposal</b>	Use of suite as educational training facility for 30 x students		
<b>Report Author/s</b>	Team Leader Major Projects		
<b>Owners</b>	Georges River Council		
<b>Applicant</b>	Hector Abrahams Architects		
<b>Zoning</b>	Zone B4 – Mixed Use		
<b>Date Of Lodgement</b>	25/05/2017		
<b>Submissions</b>	None		
<b>Cost of Works</b>	N/A		
<b>Reason for Referral to IHAP</b>	Council is land owner		

<b>Recommendation</b>	THAT the application be approved in accordance with the conditions included in the report.
-----------------------	--

### Site Plan



## **Executive Summary**

### **Proposal**

1. The application seeks consent for the use of the Suite 1A, 34 MacMahon Street as an educational training facility for thirty (30) students.

### **Zoning and Permissibility**

2. The proposed development is permissible in the zone. The development does not involve any external alteration to the building or any substantial fit out to the premises.

### **Submissions**

3. The application was not required to be notified/advertised.

### **Conclusion**

4. Having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal Development Application No DA2017/0149 should be approved subject to conditions of consent.

## **Report in Full**

### **Proposal**

1. The application seeks consent for the use of an existing commercial/office suite as an educational training facility (Sunrise Institute of Australia) providing vocational training to overseas students.
2. The suite to be used is on the first floor of an existing six (6) storey commercial building.
3. The proposed educational/training facility will cater for a maximum of thirty (30) students, three (3) teachers, and two (2) administrative staff members, at any given time.
4. The plans submitted with the application show a maximum student capacity of sixty one (61), however the Statement of Environmental Effects and the Business Details Plan/Plan of Management submitted both reference a maximum of thirty (30) students at a time. The assessment has been undertaken on the basis of a maximum of thirty (30) students.
5. The proposed hours of operation are from 9am to 6pm Monday to Friday, with two (2) shifts/teaching sessions as follows:

Shift 1 (Morning) 9am to 1pm: 15 students x 2 classes = 30 students

Shift 2 (Afternoon) 2pm to 6pm: 15 students x 2 classes = 30 students

The application proposes to use the existing layout and no building works are proposed.

### **The Site and Locality**

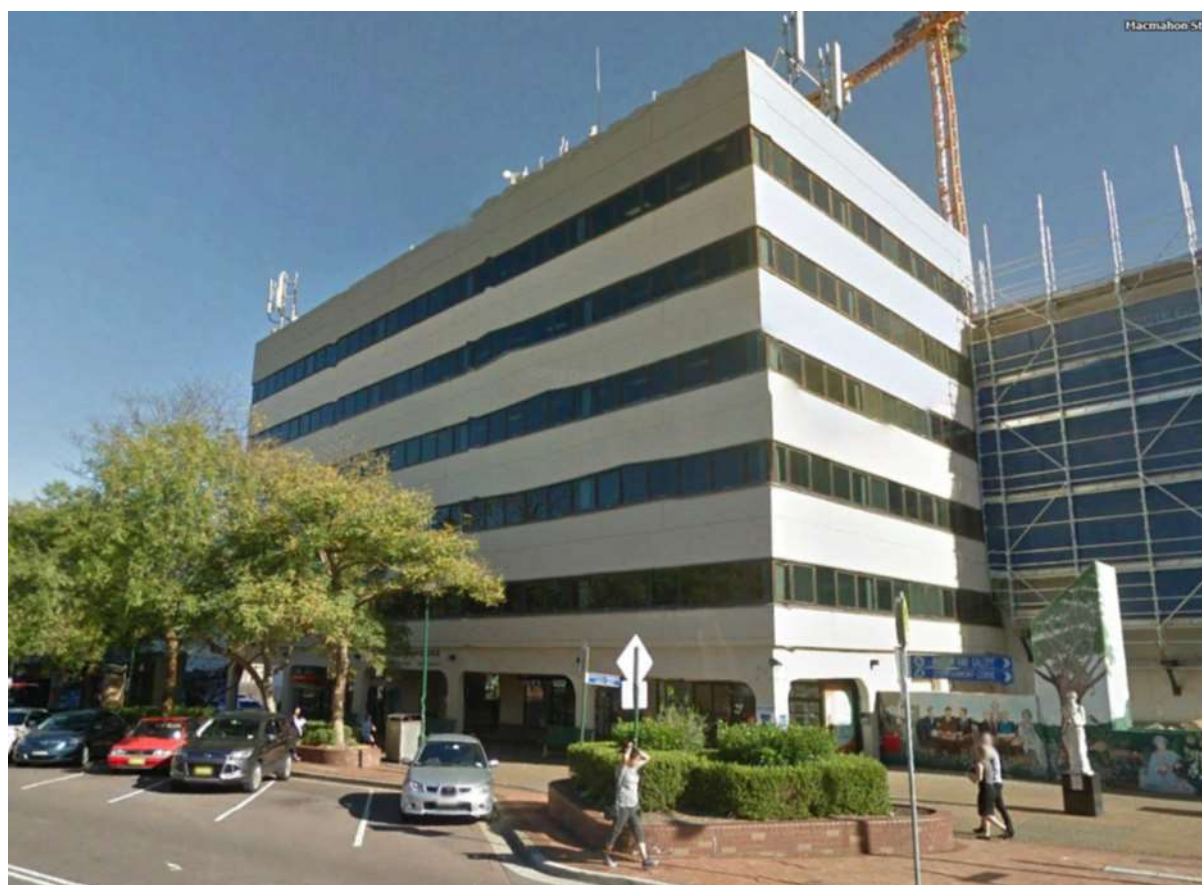
6. The subject site is known as Suite 1A, located on the first floor of a six (6) storey building at 34 MacMahon Street Hurstville.
7. The building itself is located on the north western side of MacMahon Street in between the intersections with Forest Road to the south and Dora Street to the north.



8. The site is well located to public transport and is less than 200m from both the Hurstville Bus Interchange and the entrance to the Hurstville Railway Station.



Arial view of the site (source: NearMap)



External view of the site (Source Applicant's SEE)

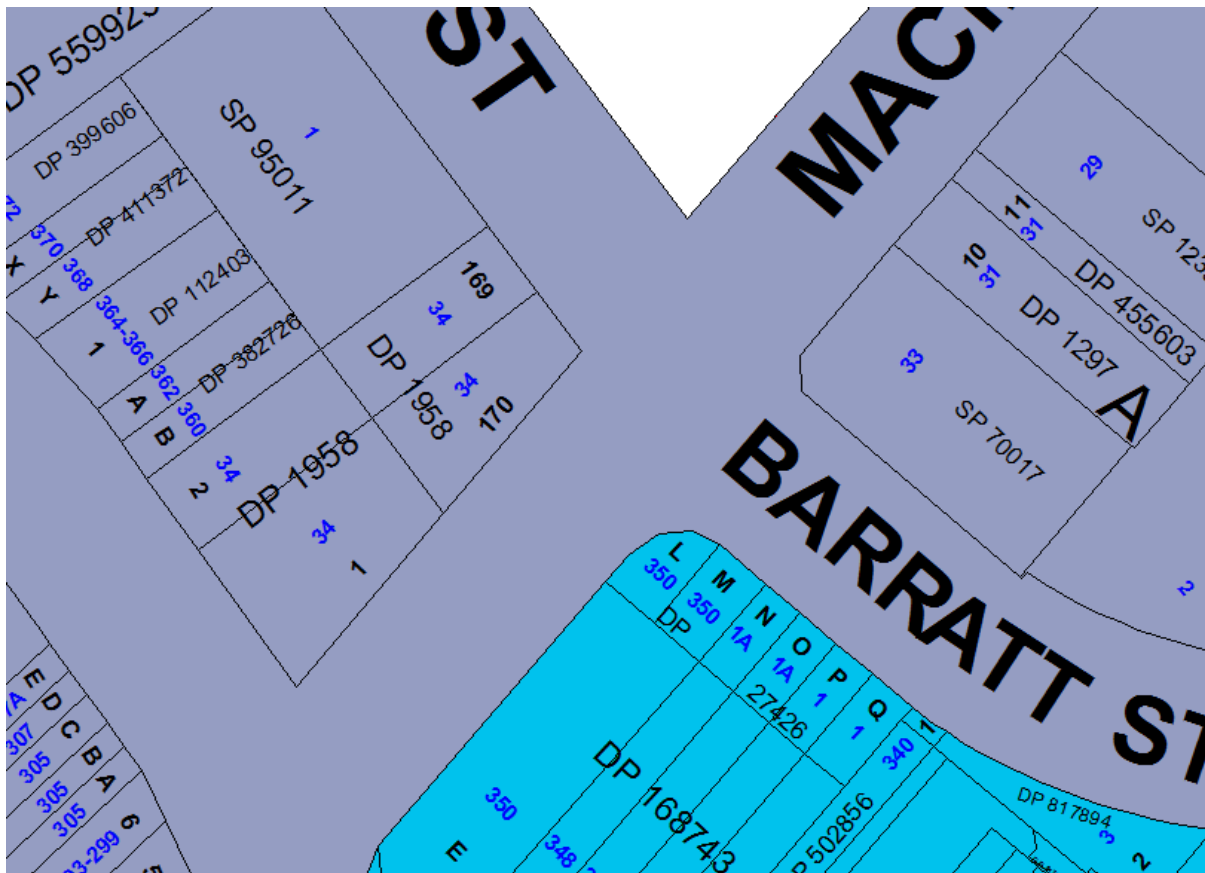
9. The tenancy itself is approximately 230sqm in area and comprises four (4) rooms and a common area.
10. Access to the tenancy is from a lobby which has direct lift access to MacMahon Street.

# HURSTVILLE LOCAL ENVIRONMENTAL PLAN 2012

## Part 2 – Permitted or Prohibited Development

## Clause 2.1 – Land Use Zones

11. The subject site is zoned B4 – Mixed Use under the Hurstville Local Environmental Plan 2012 and the proposed development is permissible in the zone with the consent of Council. The proposed development complies with the zone objectives.



## Part 4 – Principal Development Standards

12. The relevant clauses of the Hurstville Local Environmental Plan 2012 which apply to the proposed development are detailed below.

Clause	Standard	Assessment Under HELP 2012	Complies
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	The development is consistent with the aims of the plan	Yes
1.4 - Definitions	Educational establishment/business premises	Permissible	Yes
2.3 - Zone	Meets objectives of the	Development meets	Yes

objectives and Land Use Table	B4 Zone  Development must be permissible with consent	objectives  Is permissible development with consent	
2.7 - Demolition	Demolition is permissible with consent	Demolition is not proposed with this application	N/A
4.3 – Height of Buildings	15-45m as identified on Height of Buildings Map	No change	Yes
4.4 – Floor Space Ratio	4.5 as identified on Floor Space Ratio Map	As existing	Yes
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	No additional floor space	N/A
6.6 Active Street Frontage	Ground floor of building to be business or retail	Use proposed on 1 <sup>st</sup> floor	N/A

## STATE POLICIES

### Environmental Planning and Assessment Act 1979

13. Compliance with the relevant state environmental planning policies is detailed in the table below.

State Environmental Planning Policy	Complies
Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment	N/A – internal fit out
State Environmental Planning Policy 55 – Remediation of Land	Yes

## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

14. There are no draft planning instruments that are applicable to this site.

## DEVELOPMENT CONTROL PLANS

15. The proposed development is subject to the provisions of the Hurstville Development Control Plan No 2 (DCP). The following comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

### Development Control Plan - Compliance Table

16. The development is subject to the provisions of the Hurstville Development Control Plan No 2 – Hurstville City Centre.

DCP No 2 largely contains controls and provisions for new building and public domain works. As the proposal is for the use of a first floor tenancy in an existing building, only part 5.4 of the DCP applies.

### ***Development Control Plan No 2 – Hurstville City Centre – Section 5.4 Transport, Traffic, Parking and Access***

17. Development Control Plan No 2 does not have any specific car parking rates for the use proposed. The only reference in the DCP is for “educational establishments” which require one (1) space per two (2) employees. As there are five (5) employees proposed the requirement would be for three (3) parking spaces to be provided.

The existing suite does not provide any car parking for students or staff and there is no car parking provision provided as part of this development application. The building has been in existence for over 30 years and the above ground floor uses have always been of an office/business premises use. The building is not strata subdivided and parking has been managed by Council (as the land owner). Currently there are three (3) retail shops in the building and twenty (20) suites, with a total of twenty nine (29) car parking spaces for the building. Three (3) parking spaces are currently available for the tenancy, if required.

The applicant has proposed the maximum number of students and staff to be thirty five (35) at any time (thirty (30) students, five (5) staff). This is considered to be commensurate with what another permissible business/office use might expect with staff and visitors.

Furthermore, the parking rate for business/office use in the B4 Zone is one (1) space per 100sqm. The existing tenancy would require the provision of three (3) parking spaces for an office or business premises use. As an office or business use (permitted without consent) would require three (3) parking spaces and this proposed use would require three (3) parking spaces there is no additional parking demand for the proposed use.

The site is approximately 150m from the Hurstville bus interchange and less than 200m from the entrance to Hurstville train station. Given the proposed use as a vocational college and the excellent proximity of the site to public transport, the lack of parking provision is not unreasonable on the site. Further, the proposal does not increase the size or propose and changes to the existing business premises area.

The total number of students and employees proposed does not require the submission of a Travel Plan for the development under the DCP.

### **Prescribed Matters**

18. Not applicable.

### **Environmental, Social and Economic Impacts**

#### ***Natural Environment***

19. The application is for a change of use only and will not have any adverse impacts on the natural environment.

#### ***Built Environment***

20. The application does not involve any alteration to the external façade of the existing building and therefore has not impact on any adjoining land uses.

#### ***Social Impact***

21. The proposed development will provide vocational training in the Hurstville City Centre and will be of a positive social impact.

#### ***Economic Impact***

22. The proposed development has no apparent adverse economic impact.

#### ***Suitability of the site***

23. The site is located in close proximity to public transport, retail and leisure facilities for the students and the tenancy is accessible for people with a disability. The site is suitable for the development.

### **Submissions**



24. No advertising or notification of this proposal was required to be undertaken

### **Public Interest**

25. The proposed development is of a scale and character that does not conflict with the public interest.

### **Consultation – Internal and External Referrals**

#### ***Internal Referrals***

##### Senior Building Surveyor

26. Council's Senior Building Surveyor has examined the application and raised no objection subject to conditions of consent being attached to any consent granted.

#### ***External Referrals***

No external referrals were required for this application.

### **Conclusion**

50. The application has been assessed having regard to the Heads of Consideration under Section 79C of the Environmental Planning and Assessment Act 1979, the provisions of the relative State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.

Accordingly the application is recommended for approval subject to conditions of consent.

### **RECOMMENDATION**

51. THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, Georges River Council grant development consent to Development Application DA2017/0149 for use of suite as educational training facility for 30 x students on the site at Suite1a 34 MacMahon Street, Hurstville, subject to the following conditions of consent:

### **SPECIFIC DEVELOPMENT CONDITIONS**

#### **Section A - Development Details**

1. **DEV6.1 - Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

<b>Description</b>	<b>Reference No.</b>	<b>Date</b>	<b>Revision</b>	<b>Prepared by</b>
Site Plan	SIH/02	March 2017	-	Hector Abrahams Architects
Proposed Floor Plan	SIH/03	March 2017	-	Hector Abrahams Architects
Business Details Plan	-	16 May 2017	-	-

#### **Section B – Prior to the Issue of a Construction Certificate**

2. **CC9.47 - Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any



building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

3. **CC9.53 - Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

### **Section C - Operational Conditions (Ongoing)**

4. **Hours of operation** - The approved hours of operation shall be restricted to the following:  
  
8:30am – 6pm Monday to Friday
5. **ONG14.4 - Maximum Patron Capacity** - The hours of operation are approved as follows:  
  
(a) The maximum patron capacity within the premises shall be limited to thirty (30) students at any one time.
6. **ONG14.27 - Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

### **END CONDITIONS**

### **NOTES/ADVICES**

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7. **Review of Determination** - Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

8. **Appeal Rights** - Division 8 (Appeals and Related matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

9. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.
10. **ADV17.1 - Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
11. **ADV17.2 - Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au).

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

12. **ADV17.3 - Disability Discrimination Act** - This application has been assessed in accordance with the [Environmental Planning and Assessment Act 1979](#). No guarantee is given that the proposal complies with the [Disability Discrimination Act 1992](#). The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The [Disability Discrimination Act 1992](#) covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.
13. **ADV17.8 - Access for persons with disabilities** - Should the Council be appointed as the PCA, an Access report prepared by an Accredited Access Consultant may be required to be submitted with the Construction Certificate Application, detailing the existing level of compliance in the building with the above requirements, and to provide details of proposed upgrading work necessary to bring the building into conformity with the Premises Standards and the BCA. All recommendations of the accredited access consultant must be incorporated in the plans to be submitted with the Construction Certificate application.
14. **ADV17.9 - Building Code of Australia** - Detailed construction plans and specifications that demonstrate compliance with the below requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection must be submitted, with all supporting documents prepared by a suitably qualified person.
  - C2.7 - Fire wall requirements, dividing the Class 5 and proposed Class 9b uses, if located on the same storey.
  - D1.2 - The requirement for two (2) x Fire Isolated exit stairways where only one (1) is provided.
  - D1.4 - Travel distance from the further most point on the proposed floor plan layout exceeds the allowable distance of 20m.
  - D1.6 - Exit dimension width shown on plan, will need to be assessed.
  - D2.21 - The operation of latches and door handle hardware, to required exit doors, is to be assessed.

- E2.2 - The existing automatic smoke detection and alarm system is to be assessed in accordance with AS1670.1.
- E4.9 - Sound and intercom systems need to be assessed for the proposed use in consideration of it occupying a single floor within a multi-storey building.
- F2.2 - Unless predominately used by the same sex, sanitary facilities will accommodate the proposed numbers of staff and students. Assessment must also take into consideration the use of existing sanitary facilities by other tenants on this floor.

NOTE: The assessment of existing sanitary facilities for use by persons with a disability (including ambulant) must be made by an access consultant.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

If you need more information, please contact the Development Assessment Planner, below on 9330-6400 between 9.00am -11.00am business days.

#### **ATTACHMENTS**

Attachment [View1](#) Business Details - Suite 1A 34 MacMahon Street

Attachment [View2](#) Proposed Floor Plan - Suite 1A 34 MacMahon St Hurstville

## **PROPOSED EDUCATION FACILITY**

**Address: Suite 1A, 34 MacMahon St, Hurstville, NSW 2220**

**Business Details: Sunrise Institute of Australia Pty  
Ltd trading as Sunrise Institute, ABN: 75 607 714 385**

16 May 2017



## **Business Details**

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### **Rationale**

The Georges River Council requires this Business Details to be included as part of a proposal to change the use of premises from commercial to educational. This Business Details forms an essential part of the operation of the proposed development on (Suite 1A, 34 McMahon St, Hurstville, NSW 2220). The business owners seek to operate a facility but intend to minimise any adverse effects upon occupants of other levels of Suite 1A, 34 McMahon St, Hurstville, NSW 2220 and the surrounding community.

#### **1. Executive Summary**

The proposed educational facility is designed to cater for (30) students, (3.) teachers and (3) administrative staff.

#### **2. Business Name**

Sunrise Institute of Australia Pty Ltd trading as Sunrise Institute

#### **3. Location**

Suite 1A, 34 McMahon St, Hurstville, NSW 2220

#### **4. Facility Objectives**

The main objective is to conduct classes to provide vocational training to overseas students.

#### **5. Proposed number of students**

Total: 60 students per day

Shift 1 (Morning) 9 am to 1 pm: 15 students x 2 classes = 30 students

Shift 2 (Afternoon) 2pm to 6 pm: 15 students x 2 classes = 30 students

#### **6. Hours of Operation**

Monday to Friday

8:30 am to 6:30 pm

## **7. Proposed Course times**

### **Class dates:**

11 Sept 2017 – 1 Oct 2017

11 Dec 2017 – 31 Dec 2017

12 Mar 2018 – 1 Apr 2018

11 Jun 2018 – 1 Jul 2018

### **Class time:**

Monday to Friday

from 9:00 am to 6:00 pm

## **8. Site Facilities incl. Car Parking Arrangements**

### **Parking:**

- The College is situated in just 1 minute walk from Hurstville Train station.
- The College does not have own parking spaces for staff and students. However, they can use public parking facilities around the campus with very competitive price. They can also use paid street parking around the college building.

### **Toilets:**

The building has sufficient toilets facilities for male and female users.

### **Kitchen:**

The college has its own equipped kitchen facilities with microwave, boiling water equipment, fridge and cutlery facilities.

## **9. Facility Cleanliness and Maintenance**

The college has a cleaner who regularly clean the college premises. The management of college will make sure that the college premise is kept hygienic and acceptable condition at all times.

In terms of maintenance work, college will organize trade person for all maintenance work.

In addition to that the building management has their own cleaner and trade person to look after all cleaning and maintenance work in the building.

#### **10. Waste Management**

The cleaner of the college collect rubbish and put in appropriate bin/area. For sensitive documents, college shreds the documents and put it in recycle bin provided by the Building Management.

#### **11. Administration**

The Administration is made up of a Receptionist, Student Service Officer and Principal.

#### **12. Fire Safety and emergency**

The building has fire exit and designated assembly area. The college is also equipped with fire alarm. Every student and staff will be given proper information through mandatory induction.

#### **13. Security**

The building and college has locks and other security devices necessary to keep the premises 'reasonably' secure. It has locks in the main door, security alarm, fire alarm and after-hours access card to maintain its security.

#### **14. Insurances**

The college has sufficient insurance coverage such as professional indemnity, personal injury and content insurance to run its operation.

#### **15. Facility Policy and Procedures**

The college and the building management have all necessary policies and procedures in place.

#### **Feedback and Complaints**

We endeavour at all times to make sure that any feedback or complaints are listened to and resolved as quickly as possible.

#### **Privacy and Confidentiality**

- We will only use fair and lawful means to collect information
- Our service takes reasonable steps to protect the personal information we hold from misuse and loss, and from unauthorised access, modification or disclosure

- Clients have a right to access their personal information
- Our service does not disclose personal information to anyone else except-
  - with the consent of the person
  - as required or authorised by law

#### **Rights**

The college will make sure that everybody is to be treated with dignity, with privacy respected. And also to be treated without exploitation, abuse, discrimination, harassment or neglect

#### **16. Impacts on Other Tenants**

In the premises will only be used for college operation. The college will make aware that we need to respect the privacy of other tenants in the building. We will especially refrain from making loud noise while coming and departing from the building. It will make sure that we run the classes without impacting other tenants in the building.

Other clients can make complain to college or Building management if need arises.

The college will make sure every complaint is treated very seriously and rectify the problem immediately.

All college walls are sound proof to make sure that classes operation would not affect other clients.

As required by law the building has two lifts, it has only 5 levels and have sufficient toilet facilities. So, we believe its operation will not impact negatively to other clients in the building.

*End of Plan of Management*

