

Planning Proposal – Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 21)

Section 55 of the Environmental Planning and Assessment Act, 1979

LOCAL GOVERNMENT AREA

Sutherland Shire Council

NAME OF PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 21)

ADDRESS OF LAND

This Planning Proposal addresses a number of minor issues relating to Sutherland Shire Local Environmental Plan 2006:

- Rezoning of one (1) property, and
- Amendments to Clause 14 of SSLEP2006.

The planning proposal is structured to provide general information relating to each of the above mentioned issues, as well as specific information where appropriate.

ADDRESS OF LAND

The plan applies to the following land parcels:

- 1091A Old Princes Highway, Engadine (Lot 102 DP 1166927)
- 533-541 Princes Highway, Kirrawee (Lot 1 DP1159151)

MAP

Attachment:

1. 1091A Old Princes Highway, Engadine
 - Aerial Photograph
 - Location Map
 - SSLEP2006 Zoning Map
2. 533-541 Princes Highway, Kirrawee
 - Aerial Photograph
 - Location Map
 - SSLEP2006 Zoning Map

DETAILS OF THE PLANNING PROPOSAL

1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]

- To amend Sutherland Shire Local Environmental Plan 2006 Zoning Map to rezone land at 1091A Old Princes Highway, Engadine (Lot 102 DP 1166927) from Zone 12 - Special Uses (Utilities) to Zone 8 - Urban Centre in order to provide greater opportunities for commercial development in the location and remove zoning related to a redundant use on the site.
- To amend Sutherland Shire Local Environmental Plan 2006, Clause 14 – Exceptions to Zoning Table – specified development on specified land to permit hotels with a maximum flood space ratio (FSR) of 1:1 at 533-541 Princes Highway, Kirrawee. The

2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]

- Amendment to *Sutherland Shire Local Environmental Plan 2006* Zoning Map to rezone Lot 102 DP 1166927 from Zone 12 - Special Uses (Utilities) to Zone 8 - Urban Centre.
- Amendment to *Sutherland Shire Local Environmental Plan 2006* to amend Clause 14 - Exceptions to Zoning Table – specified development on specified land by adding the following:

Column 1 Land	Column 2 Development for the purpose of the following	Column 3 Requirements
533-541 Princes Highway, Kirrawee	Hotels	The development must not result in a floor space ratio greater than 1:1.

3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]

A Need for planning proposal

1. *Is the planning proposal the result of any strategic study or report?*

The planning proposal addresses a number of issues including:

- the rezoning of specific land at 1091A Old Princes Highway, Engadine; and
- the amendment of clause 14.

A strategic study or report is considered unnecessary for the nominated rezoning, updating and/or correcting existing clauses, maps and schedules. These matters have been the subject of the following reports to Council.

Issue	Council Report	Attachment
1091A Old Princes Highway, Engadine	DAP031-13	Attachment 3
533-541 Princes Highway, Kirrawee	EAP191-12 EAP031-13 DAP019-13	Attachment 4 Attachment 5 Attachment 6

However, the following justifications are provided in relation to each specific issue:

- 1091A Old Princes Highway, Engadine
The proposed amendment is not a direct result of any specific strategic study or report but is intended to facilitate the logical future use of the site on the basis that the current zoning reflects the previous ownership and use by Telstra and is no longer appropriate or relevant to the use of the site.
- 533-541 Princes Highway, Kirrawee

The proposed amendment is not a direct result of any specific strategic study. An initial planning proposal for the addition of hotels as a permissible use in Zone 11 Employment under SSLEP2006 was submitted to Council. Following an initial assessment, an amended planning proposal was submitted to Council amend Clause 14 of SSLEP2006 relating to 533-541 Princes Highway, Kirrawee proposal is submitted with support from the land owners. This amended request has been considered by Council. Council resolved to proceed with an alternative amended planning proposal and to submit this for gateway determination.

The proposed amendment to Clause 14 of SSLEP2006 is considered a more appropriate means to achieve the desired outcome as it allows for the development of hotels on the subject land while addressing some of the identified concerns associated with introducing hotels as a use across all land zoned 11 – Employment.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Achieving the desired objectives requires:

- the rezoning of specific land at 1091A Old Princess Highway, Engadine; and
- the amendment of clause 14;

There is no other alternative to achieve these other than via a planning proposal.

3. *Is there a net community benefit?*

While the planning proposal is minor in nature, specific comments relating to particular components are set out below:

- 1091A Old Princes Highway, Engadine
The planning proposal will provide a net community benefit on the basis that:
 - the current zoning of the site reflects its previous ownership and use which is no longer relevant or appropriate;
 - the site is located towards the centre of an established retail precinct and the planning proposal will facilitate the future use of the site for retail related purposes;
 - Engadine is identified in the Draft South Subregional Strategy as a Village accommodating a supermarket and specialty shops, and the planning proposal will facilitate the future use of the site for retail related purposes.
- 533-541 Princes Highway, Kirrawee
The proposal presents an opportunity for community benefit through additional employment in the location.

B Relationship to strategic planning framework

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The proposed amendments are generally minor in nature and present consistency with the objectives and actions contained within the South Subregion Draft Subregional Strategy. Specific comments relating to particular components are set out below:

- 1091A Old Princes Highway, Engadine

In line with the Draft South Subregional Strategy's ambition for the Sutherland Shire, in particular, the contribution of 10,100 dwellings and 8,000 new jobs between 2004 and 2031, the rezoning of this land will assist in achieving these employment targets, and facilitate the future use of land for retail related purposes consistent with the uses of the surrounding land and in an existing 'village' centre.

- 533-541 Princes Highway, Kirrawee

The *Draft South Subregional Strategy* supports economic development in the south sub-region and identifies the Princes Highway as a 'potential enterprise corridor'. Under Council's Draft Standard Instrument Local Environmental Plan, Council proposes to zone the site B6 - Enterprise Corridor. The location of the land, opposite the recently approved Brick Pit development site, further reinforces the sites adaptability for use as a hotel and the development of an enterprise corridor along this section of the Princes Highway.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is not contrary to Council's community plan known as *Our Shire Our Future: Our Guide for Shaping the Shire to 2030* or local strategic plan.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

1091A Old Princes Highway, Engadine

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to this planning proposal. The site is currently deemed suitable for commercial / industrial use (based on a preliminary investigation). Clause 6 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) requires council to consider whether the land is suitable in its current state or can be made suitable for the proposed use prior to approving a rezoning application. A secondary investigation is required prior to further development of the site (includes soil and groundwater sampling). Given that there is an Underground Petroleum Storage Tank located on the adjacent property, there is a possibility of contamination migrating from the Underground Storage Tank. It would not be unreasonable to request that a secondary investigation be carried out prior to approving the rezoning. However, given the preliminary investigation did not find areas of obvious contamination, the investigation could be carried out after rezoning and prior to lodging a development application for redevelopment of the site.

Having regard to the previous use of the land, it is possible that the site may be contaminated. Whilst it is recognised that some investigations have been carried out in the past, in future, should a Development Application be required for a particular use, the provisions of SEPP 55 will need to be addressed and any potential adverse environmental impacts can be considered, mitigated and managed at this stage.

533-541 Princes Highway, Kirrawee

The planning proposal does not contravene any state environmental planning policies.

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

The following s.117 directions apply to this planning proposal:

Direction	Consistent	Specific Comments
1.1 Business and Industrial Zones	Yes	Direction 1.1 requires that a planning proposal that affects land within an existing or proposed business or industrial zone must retain areas and locations of existing business and industrial zones, not reduce total potential floor space for employment uses and related public services in business zones as well as industrial uses and industrial zones. <u>533-541 Princes Highway, Kirrawee</u> The proposal does not remove the industrial permissibility relating to the land, nor does it diminish the permissible floor space ratio; however, it does broaden the range of other uses permissible on the land. <u>1091A Old Princes Highway, Engadine</u> The proposal does not change the area or location of the existing business. The site is located towards the centre of an established retail precinct and the planning proposal will facilitate the future use of the site for retail purposes.
3.4 Integrating Land Use and Transport	Yes	Direction 3.4 generally aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve improved accessibility, increased choice of transport, reduced travel demand, and efficient movement of freight. The Direction specifies that a planning proposal must locate zones that are consistent with the aims, objectives and principles of <i>"Improving Transport Choice – Guidelines for planning and development"</i>, and <i>"The Right Place for Business and Services – Planning Policy"</i>. <u>1091A Old Princes Highway, Engadine</u> The planning proposal is consistent with the aims and objectives relating to urban consolidation. The site is located towards the centre of an established retail precinct and the planning proposal will facilitate the future use of the site for retail related purposes.
5.1 Implementation of Regional Strategies	Yes	Direction 5.1 generally aims to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. The Direction specifies that a planning proposal must be consistent with a regional strategy released by the Minister for Planning. The Draft South Subregional Strategy identifies that the South is to accommodate 35,000 new dwellings and 29,000 new jobs between 2004 and 2031, of which Sutherland is required to contribute 10,100 new dwellings and capacity for 8,000 new jobs. The planning proposal will contribute to the

		subregional employment targets within an established retail precinct.
6.1 Approval and Referral Requirements	Yes	Direction 6.1 generally aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The Direction specifies the general concurrence, consultation and referral mechanisms, and the planning proposal will satisfy those requirements.
6.3 Site Specific Provisions	Yes	Direction 6.3 generally aims to discourage unnecessarily restrictive site specific planning controls. The Direction specifies the general content of an environmental planning instrument must not introduce any development standards or requirements in addition to those that already apply in the existing or proposed zone. <u>1091A Old Princes Highway, Engadine</u> The planning proposal seeks to rezone this site to Zone No. 8 – Urban Centre to facilitate the future submission of a Development Application for a permissible use in the zone. The planning proposal does not seek to introduce any development standards or requirements in addition to those that already apply with the proposed zone.
7.1 Implementation of the Metropolitan Strategy	Yes	Direction 7.1 generally aims to give legal effect to the visions, and use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. The Direction specifies that a planning proposal shall be consistent with the Metropolitan Strategy. The Draft South Subregional Strategy identifies that the south is to accommodate 35,000 new dwellings and 29,000 new jobs between 2004 and 2031, of which Sutherland is required to contribute 10,100 new dwellings and capacity for 8,000 new jobs. The planning proposal will contribute to the subregional employment targets within an established retail and employment precinct.

C Environmental, social and economic impact

1. *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?*

The planning proposal will not have any adverse impacts on critical habitat, threatened species, populations or ecological communities, or their habitats.

2. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no likely environmental effects from the majority of the elements of the planning proposal. Specific impacts which may result from the developments permissible as a result of the planning proposal will be assessed and managed as part of the development assessment process.

3. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal is unlikely to raise any significant social and economic effects. The planning proposal will contribute to the subregional employment targets within an established retail and employment precinct.

533-541 Princes Highway, Kirrawee

An assessment of the proposal demonstrates that a hotel in this area of Kirrawee would be a legitimate use in an area with minimal late night activity. An amendment to Clause 14 of Sutherland Shire Local Environmental Plan 2006 to permit hotels as a permissible land use at 533-541 Princes Highway, Kirrawee by exception to the zoning table will increase development flexibility and potential on the site.

The proposed LEP amendment is supportive of economic activity along the Princes Highway, consistent with the strategic direction of the Draft South Subregional Strategy in creating/supporting an 'enterprise corridor' along the Princes Highway. The focus of activity around the intersection of Bath Road, Munro Street and the Princes Highway may result in an economic node at this intersection.

The Kirrawee area is due to experience an increase in the presence of commercial and residential activity with the development of the Brick Pit site. The introduction of a hotel on the subject land provides an opportunity to increase the entertainment options for residents in a location which is unlikely to have an impact on residential amenity, yet is still highly visible and accessible for patrons. The additional permissibility of hotels on the subject land will also contribute to increasing employment opportunities within the LGA.

While licensed premises can be associated with antisocial behaviour, much depends on the management and the clientele of the premises. The applicant has demonstrated that a hotel in this location can be adequately managed (see Attachment 6) and as such, potential negative impacts and concerns can be adequately addressed at development application stage. On balance it is considered that this is a reasonable proposal in an appropriate location.

1091A Old Princes Highway, Engadine

The proposed rezoning has strategic merit in implementing/ supporting the proposals contained in the *Draft South Subregional Strategy* relating to housing and employment targets. At a more local level, the proposed rezoning may provide the impetus for the redevelopment or reuse of a highly accessible site which has the potential to become rundown and vacant if it remains under its existing zone. The community expectation for this site is likely to be for commercial purposes, and reported interest from prospective occupants has been for commercial activities. However, given the sites location close to public transport and Engadine village centre, demand for residential development is also likely to be received.

D State and Commonwealth interests

1. *Is there adequate public infrastructure for the planning proposal?*

The planning proposal is minor in nature and unlikely to cause any impact on public infrastructure. Both 1091A Old Princes Highway, Engadine and 533-541 Princes Highway, Kirrawee are adequately serviced by all necessary public infrastructure.

2. *What are the views of the State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

Not applicable at this stage as planning proposal has not yet been submitted for Gateway Determination.

4. Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]

Council proposes that the planning proposal be exhibited in accordance with any requirements as determined by the gateway process and the requirements of Section 29 of the Local Government Act, 1993 and Section 57 the Environmental Planning and Assessment Act, 1979.

Council proposes to give notice of the public exhibition of the planning proposal:

- In the local newspaper (The St George and Sutherland Shire Leader and the Liverpool City Champion);
- On Council's website;
- In writing to relevant adjoining landowners who may be affected by the proposal.