

Planning Proposal - 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 (SSLEP2006) (Draft Amendment No 19).

ADDRESS OF LAND

The plan applies to 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461).

MAP

Attached showing the location of property affected by this plan.

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)]

This planning proposal seeks an amendment to Sutherland Shire Local Environmental Plan 2006 (SSLEP2006) to allow for a six (6) storey (approximately 25m) commercial building with a floor space ratio of 3.35:1 at 527-533 Kingsway, Miranda (Lot 1 DP 21256 and Lots 18 and 19 DP 8461).

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

Amendment to the map series SSLEP2006 – Building Heights and Density for land at 527-533 Kingsway, Miranda to allow for an increased maximum building height of 25m.

Amendment to the map series SSLEP2006 – Building Heights and Density for land at 527-533 Kingsway, Miranda to allow for an increased maximum FSR of 3.35:1.

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

Need for planning proposal

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

The proposed amendments contained in this planning proposal are not a direct result of any specific strategic study.

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

The planning intent behind the planning proposal is to provide greater flexibility of the use of the land and in order to cater for significant commercial tenants. The planning proposal is considered to be the best means of achieving the stated objectives and

intended outcomes. Within Miranda certain precincts have already been identified for seven (7) storey, 25m, development.

The site currently has an approval for three (3) commercial floors above two (2) basement levels of parking. The roof height of the approved commercial building for this site is approximately 15.5m above natural ground level. The proposal would increase the height of the building by approximately 7.5m, creating a new roof height of approximately 25m (plus lift over runs, roof top plant etc.).

Building heights in Miranda have been reviewed as part of the preparation of the Housing Strategy which is informing the content of Sutherland Shire's Standard Instrument Local Environmental Plan. The Housing Strategy proposes to increase the height of the subject site and surrounding sites to 25m. As such it is considered appropriate that the amendment to the building height proposed under this planning proposal is the best means of achieving the intended outcomes.

SSLEP2006 sets a floor space ratio (FSR) for the subject site at 2:1 pursuant to Clause 35(11)(b). The Planning Proposal seeks to increase the FSR of 3.35:1. Preliminary modelling indicates that an FSR of 3:1 is achievable and reasonable for this site. An FSR of 3.35:1 will need to ensure that adverse impacts are not created on neighbouring properties.

This planning proposal will facilitate more intense commercial use of the subject land. This is considered appropriate in a commercial centre well served by public transport.

3. Is there a net community benefit?

While the planning proposal is minor in nature, the proposal presents an opportunity for community benefit through increasing employment opportunities in the location.

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 contained in the planning proposal are consistent with the objectives and actions within the Sydney Metropolitan Plan – Centres and Corridors South.

The planning proposal is also consistent with the Sydney South Draft Sub-regional Strategy. The Sydney South Draft Sub-regional Strategy has as a specific outcome to resolve the centres within the Sutherland Shire and “promote Caringbah and Miranda as centres of excellence’ in biomedical and bioengineering research and development”. The proposed amendments under this planning proposal will assist in providing appropriately sized and designed floor plans to cater for the specific needs of medical specialists and assist in achieving this outcome.

The Sydney South Draft Sub-regional Strategy supports economic development in the south sub-region, specifically in Miranda. The location of the site in the retail precinct of Miranda suggests that it may contribute to the growth outcomes under the draft strategy.

- 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 planning.

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

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 relevant Section 117(2) Directions (as amended) comprise:

- Direction 1.1 – Business and Industrial Zones;
- Direction 3.4 – Integrating Land Use and Transport;
- Direction 5.1 – Implementation of Regional Strategies;
- Direction 6.1 – Approval and Referral Requirements;
- Direction 6.3 – Site Specific Provisions; and
- Direction 7.1 – Implementation of the Metropolitan Strategy.

Direction 1.1 - Business and Industrial Zones

Direction 1.1 generally aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

The direction specifies that a planning proposal must give effect to the objectives, retain the areas and locations of existing business and industrial zones, and not reduce the total potential floor space area for employment uses and related public services.

The planning 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 commercial purposes.

Direction 3.4 – Integrating Land Use and Transport

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 *“Improving Transport Choice – Guidelines for planning and development”*, and *“The Right Place for Business and Services – Planning Policy”*.

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 serviced by public transport.

Direction 5.1 – Implementation of Regional Strategies

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 centre serviced by public transport.

Direction 6.1 – Approval and Referral Requirements

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.

Direction 6.3 – Site Specific Provisions

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.

The planning proposal seeks to amend the building height and density controls to facilitate the future submission of a Development Application for a more intense commercial use on the site. No site specific restrictions are proposed.

Direction 7.1 – Implementation of the Metropolitan Strategy

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 precinct.

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 proposed amendments contained in this planning proposal. Specific environmental impacts or environmental concerns which may result from the increased development intensity as a result of the amendments to the building height and density on the subject site 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 proposed amendment to the Height and Density Control Map contained in the SSLEP2006 will increase development potential on the site. The floor space will contribute to increase employment opportunities within the Local Government Area of the Sutherland Shire.

The planning proposal is unlikely to raise any significant social and economic concerns.

State and Commonwealth interests.

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

The site is adequately serviced by all necessary public infrastructure.

5. *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?*

Public Authorities will be consulted in accordance with the Gateway Determination once it is received.

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.