

Environment and Planning

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Planning Proposal for 121 Georges River Road, Jannali

File Number: LP/06/376734

Director: Environmental Services (MC/RW)

Report Item

(Attachments to this report are available electronically only.)

REPORT IN BRIEF

Purpose

The purpose of this report is to provide Council with an assessment of the merits of a planning proposal prepared by Smith and Tzannes Architects on behalf of TCQ Builders for a site at 121 Georges River Road Jannali, and to seek Council's support for the planning proposal which requires an amendment to Sutherland Shire Local Environmental Plan 2006 (SSLEP2006) to add '**medical facilities**' and '**shop top housing**' as permissible uses for the site. It is recommended that the floor space ratio (FSR) be increased from 0.45:1 to 0.65:1.

Summary

On 10 March 2011 Council received a planning proposal from Smith and Tzannes Architects on behalf of TCQ Builders (the land owners) for a site at 121 Georges River Road, Jannali. The site was previously the location of a service station and is zoned Zone 4 Local Housing. The service station was demolished some time ago and the site is currently vacant. In response to issues identified through a preliminary assessment of the proposal by Council officers, the planning proposal was resubmitted in an amended form on 24 May 2011 (Appendix 1).

The planning proposal seeks an amendment to Sutherland Shire Local Environmental Plan 2006 to allow additional uses for the site, these being '**shop top housing**' (definition from SSLEP2006) and '**health services facility**' (definition from Standard Instrument LEP) or alternatively '**medical facility**' (definition from SSLEP2006). An increase in density for the site was also sought from FSR 0.45:1 to FSR 0.7:1. To ensure that a future development facilitated through the LEP amendment achieves a reasonable standard of landscaping in its context, a minimum landscaped area of 35% is recommended. No change is proposed to the current maximum allowable height of 2 storeys. The planning proposal would entail changes to SSLEP2006 Clause 14- Exceptions to Zoning Table.

The EP&A Act 1979 makes provision for a proponent to request the rezoning of land. In response to a formal request Council must assess the application in terms of the impact on the immediate locality as well as how it fits into the broader strategic policy context. The revised planning proposal for the land at 121 Georges River Road, Jannali is accompanied by concept plans, elevations and sections of a two (2) storey development with underground

parking, ground floor medical suites and 4 upper floor flats. These plans are attached as Appendix 2. To make a case for a zoning change to a site, the applicant must establish that the change can be accommodated on the site, while still protecting the surrounding residential amenity.

Upon assessment of the planning proposal the concept is found to have merit. Specifically there are benefits for the local aging community of facilitating additional medical facilities in an accessible location such as the subject site. This is consistent with the goals adopted by Council in the policy document 'Aging Well in Sutherland Shire'. The concept is also consistent with the South Subregional Strategy policy to increase dwelling numbers close to centres, particularly those served by public transport.

The size and shape of the site appear to be a considerable design constraint for the provision of on-site parking. While parking numbers for residential flats in the development comply with the provisions in SSDCP2006, and the parking numbers for the proposed Medical Facility comply with the provisions in SSDCP2006, they do not comply with the recommendations in the RTA document 'Guide to Traffic Generating Developments'. An increase in the number of on-site parking spaces shown on the concept plan is recommended. A decrease in allowable floor space from 0.7:1 to 0.65:1 would reduce parking demand.

The proposal shows a building form at FSR 0.7:1 with a nil front setback which raises visual and amenity considerations given that the site is within Zone 4 Local Housing. The concept plans submitted by the applicant do not comply with SSDCP2006 setback controls. However, substantial landscaped side setbacks shown in the concept plans mitigate privacy and overlooking impacts on neighbouring properties. Also, the prominent corner location on a collector road close to Jannali centre is considered an appropriate location for a variation in building type from the predominant surrounding form of single dwellings.

On balance it is considered that the strategic public benefits of facilitating additional medical facilities is sufficient to outweigh the potential impact of a possible parking deficiency. The recommendation is to support the planning proposal to amend Sutherland Shire Local Environmental Plan 2006 to allow additional uses for the site, '**shop top housing**' and '**medical facilities**', and increase in density for the site from FSR 0.45:1 to FSR 0.65:1, with deep soil landscaping of 35%. This is less FSR than requested, but the reduced floor area will help reduce parking requirements.

It is also recommended that the planning proposal changes be incorporated into the Standard Instrument LEP being prepared for Sutherland, to be detailed in a future report.

REPORT IN FULL

History of the Planning Proposal

On 10 March 2011 Council received a planning proposal from Smith and Tzannes Architects on behalf of the land owners TCQ Builders for a site at 121 Georges River Road, Jannali. Draft concept plans for a development scheme on the site accompanied the planning proposal. The applicants had previously met with Environmental Planning officers for a preliminary discussion about the site and the process of preparing a planning proposal.

To make a case for a zoning change to a site, the applicant must establish that the change can

be accommodated on the site, while still protecting the surrounding residential amenity. The concept plan was produced so that the impacts of the proposed zoning change can be evaluated. However, a recommendation to change the zoning provisions on the site is not a guarantee of an approval of any particular development scheme.

The first planning proposal requested additional uses for the site being 'business premises' and 'shop top housing'. The planning proposal also requested an increase in floor space ratio from 0.45:1 up to 0.75:1. The applicants requested a meeting to discuss their planning proposal. Council officers undertook an initial assessment of the proposal and identified a number of potential impacts. Concern was raised about the amenity impact on adjoining properties and the immediate locality should 'business premises' be permitted as an additional use. Concern was also raised about the FSR of 0.75:1 on this site. The size and irregular shape of the site constrains the design of any development, including placing limitations on the shape and size of any underground car park and the width of landscaped setbacks to adjacent dwellings. Increased deep soil landscaped setbacks were recommended to protect the privacy and amenity of neighbouring single dwellings. In response, the applicant submitted a revised planning proposal and concept plan (Appendix 1) which is the subject of this report.

The Current Proposal

The applicant's proposal relates to the land at 121 Georges River Road Jannali. The proposal is to amend SSLEP2006 Clause 14 '**Exceptions to the Zoning Table- specified development on specified land**', to add additional uses to the uses permissible on the subject land, increased FSR and decreased minimum landscaped area. The additional uses are '**shop top housing**' (definition from SSLEP2006) and '**health services facility**' (definition from Standard Instrument LEP) or alternatively '**medical facility**' (definition from SSLEP2006). An increase in density from FSR 0.45:1 to FSR 0.7:1 is also proposed. No change is proposed to the current maximum allowable height of two (2) storeys.

Under SSLEP2006:

"Medical facility means a building or place used for the medical or surgical treatment of persons, whether public or private, including any of the following:

- (a) *Any associated shop or dispensary,*
- (b) *A hospital (other than a psychiatric hospital),*
- (c) *A sanatorium,*
- (d) *A health centre,*
- (e) *A home for infirm persons, incurable persons or convalescent persons,*

But does not include any part of a correctional centre used for the medical or surgical treatment of persons." (SSLEP2006)

Under the Standard Instrument Local Environmental Plan:

"health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) *a medical centre,*
- (b) *community health service facilities,*
- (c) *health consulting rooms,*
- (d) *patient transport facilities, including helipads and ambulance facilities,*

(e) *hospital." (Standard Instrument- Principal Local Environmental Plan)*

Another related use type under the Standard Instrument LEP which does not include hospitals, and is more appropriate as a use type for the scale of the subject site, is as follows:
*"**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services."*
(Standard Instrument- Principal Local Environmental Plan)

'Medical facility' is an existing use under SSLEP2006, and is a permissible use for some other mapped locations in Zone 4 - Local Housing. As such, if the matter proceeds as an amendment to SSLEP2006 it is recommended that **'medical facility'** be proposed as the additional use name in the planning proposal for this site.

The other additional use requested is **'shop top housing'** defined under SSLEP2006 as follows:

*"**Shop- top housing** means 1 or more dwellings located above the ground floor of a building being a building in which a non-residential land use that is permissible with or without consent is carried out on the ground floor."* (SSLEP2006)

The Subject Land

The site and context

The subject land is located at 121 Georges River Road, Jannali (Lot 2 DP 205183, Land number 13791). The site has an area of 1098 sq m, and is on the corner of Wattle Road and Georges River Road. It is on the roundabout intersection with Box Road which is the main street of Jannali Centre. The land was previously occupied by a service station and is currently vacant and cleared. The land is irregular in shape and slopes down approximately 1m from west to east.

The land is located close to Jannali Centre, approximately 300m from Jannali railway station. The land is zoned Zone 4 Local Housing (FSR 0.45:1 and maximum height 2 storeys). Surrounding land is developed with mostly older style dwellings. Most are single storey but some newer dwellings are two (2) storeys.

Zoning SSLEP2006

The subject land was previously used as a service station. The site has been remediated and a site audit statement produced by AECOM Australia Pty Ltd has been provided by the applicants (Appendix 2A). The audit certifies that the site is suitable for uses including residential and commercial/industrial.

A previous development application for a Residential Care Facility on a larger site at this location, comprised of 115-121 Georges River Road and 52 Wattle Road, Jannali, was refused in 2006 (DA060186). The proposal was for 70 aged care bedrooms and three (3) self-contained Community Housing Units. Nineteen objections from local residents were made to the proposal. The Architectural Review Advisory Panel in its assessment of the proposal commented that the large institutional building located on an irregularly shaped site and therefore close to boundaries, was not appropriate in the neighbourhood of low density single storey cottages.

Justification for the proposal

Below is a summary of the justifications submitted by the proponent for the proposed rezoning:

- The site is highly visible and easily accessible.
- The site is located within 400 metres of the railway station
- The area has an aging population and relevant health facilities need to be provided.
- Medical facilities generally have minimal negative impacts on adjoining existing properties
- All car parking will be located on site
- The proposal will co-locate health services facilities with appropriate housing options
- The proposal for the site as illustrated by the concept plans can meet the objectives of the zone in that:
 - a. The character of the zone is not compromised. Generous setbacks can be provided at the side boundaries and the site is a prominent corner site. A building form that responds to this prominence is appropriate.
 - b. The development proposed is two (2) storeys in height. More than 50% of the site is provided for planting area and open space. The building is set within a landscaped setting with generous landscape setbacks on the sides and rear. All of which provide for a streetscape that is consistent with the neighbourhood character.
 - c. The one (1) and two (2) bedroom apartments provide for a variety of housing choices to meet the local needs of the community.
 - d. The health facility component provides the necessary services to the local community.

Use of 'Additional Use' Provisions

The current proposal is for an amendment to the 'additional use' provisions which are in SSLEP2006- Clause 14. Additional use provisions are common in Local Environmental Plans, often to regularise uses already existing when land is rezoned, or to permit specific uses on specific land to facilitate development.

Statutory Process

The applicant submitted a Planning Proposal to Council based on the provisions of the EP&A Act 1979 which sets the statutory basis for the making of an LEP. Under the Act the process of making a new LEP, or amending an LEP, centres on the preparation of a "planning proposal" which is followed by a "gateway determination" by the Department of Planning and Infrastructure (DOP&I). The intent of the provisions is to speed up the time taken to prepare and process a LEP and ensure that State and Council resources are only allocated to those plans likely to be supported by the Minister for Planning.

A planning proposal is usually initiated and prepared by the relevant planning authority (a Council), but the guidelines allow a proponent to initiate the process. For all proponents, requests for rezoning of land will follow this statutory process. Council must as part of its assessment of the Planning Proposal, consider the broader strategic policy context.

The Department of Planning Guide for Preparing Planning Proposals sets out factors Council is required to take into consideration when assessing a planning proposal. This specifically includes:

- Consistency with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies);
- Consistency with the local council's Community Strategic Plan, or other local strategic plans, environmental planning instruments, control and policies, including SSLEP 2006 and SSDCP 2006;
- Consistency with applicable State Environmental Planning Policies; and
- Consistency with applicable Ministerial Directions (s.117 directions).

After formal consideration of the submission, council must determine whether the proposal should proceed to the next stage. Should Council decide there is merit in the proposal; the proposal will be forwarded to the Department of Planning for assessment through the gateway process. The gateway is an early assessment of the merits of the proposal to determine whether the proposal is consistent with State objectives and whether it is likely to be ultimately made by the Minister for Planning. Following public exhibition and consideration of submissions, Council makes a final decision as to whether to support the LEP amendment. If it is supported it is referred to the Minister for Planning with a request that it be made. However, the final decision as to whether the amendment should be gazetted rests with the Minister.

Preliminary Assessment of the Planning Proposal

The proposal is considered in the context of the relevant planning framework below.

(a) S.117 of the Environmental Planning and Assessment Act 1979- Local Planning Directions

Planning proposals must be consistent with local Planning Directions issued by the Minister for Planning under section 117 of the EP&A Act. The following planning directions apply to this planning proposal:

- Residential Zones
- Integrating Land Use and Transport
- Sydney Drinking Water Catchments

- Site Specific Provisions
- Implementation of the Metropolitan Strategy

The planning proposal for 121 Georges River Road, Jannali is a minor change only and does not contravene any S.117 Directions.

(b) Metropolitan Plan for Sydney 2036

The planning proposal will make use of existing infrastructure, increase the supply of small dwellings and allow more trips to be made by public transport. As such, it is consistent with Strategic Objective B1 to focus activity in accessible centres. It is also consistent with Strategic Objective B1.3 to locate 80% of new housing within the walking catchment of centres with good public transport.

(c) Draft South Subregional Strategy 2007

The planning proposal will stimulate redevelopment of a site for increased residential development and the provision of medical facilities close to Jannali Centre, which is classified as a Small Village in the Subregional Strategy. As such it is consistent with Housing Objective C2 to plan for a housing mix near jobs, transport and services.

(d) Sutherland Shire Council Aging Strategy and Draft Housing Strategy

The Sutherland Shire's population is aging with significant growth in the 45-64 and 65 years plus age groups in terms of total numbers and proportion of the population. The largest percentage growth is projected to occur in those age groups aged 80 years and over. This will have a direct impact on the type and volume of health services that will need to be provided. It is anticipated that the demand for GP services, both in and after hours, will grow in line with the aging population.

Facilitating the development of more small medical practices in Sutherland Shire is consistent with the goals adopted by Council in the policy document 'Aging Well in Sutherland Shire'. This is particularly important in the Jannali locality which has a concentration of older residents. The subject site performs well in this regard because it is within walking distance of the centre and railway station.

The planning proposal would result in the provision of additional small dwellings close to an existing centre with a railway station which is also consistent with Council's adopted recommendations of the Aging Strategy and Sutherland Draft Housing Strategy (SDC009-09  and SDC004-09 ). As such the proposal would provide increased housing choice for the growing number of small households in Sutherland Shire.

(e) Sutherland Shire Local Environmental Plan 2006

The subject land is zoned Zone 4 – Local Housing. The objectives of this zone are:

- “ (a) to allow low density residential buildings that complement the predominantly urban landscape setting of the zone, characterised by dwelling houses on single lots of land,
- (b) to ensure the character of the zone, as one comprised predominantly of dwelling houses, is not diminished by the cumulative impacts of development,
- (c) to allow development that is of a scale and nature that preserves the streetscape and neighbourhood character of the zone,