

Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 13)

Proposal Title : **Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 13)**

Proposal Summary : **The Planning Proposal is to allow two additional uses: 'medical facilities' and 'shop top housing', on a site at 121 Georges River Road, Jannali. The site is currently zoned Zone 4 – Local Housing under the Sutherland Shire Local Environmental Plan 2006. It is proposed that this zoning will remain the same, as well as the height limit of two storeys.**

The maximum floor space ratio is proposed to be increased from 0.45:1 to 0.65:1, with a minimum landscaped area reduced to 35%.

PP Number : **PP_2011_SUTHE_004_00** Dop File No : **11/11111**

Proposal Details

Date Planning Proposal Received :	26-Aug-2011	LGA covered :	Sutherland
Region :	Sydney Region East	RPA :	Sutherland Shire Council
State Electorate :	MIRANDA	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	121 Georges River Road		
Suburb :	Jannali	City :	Sydney
		Postcode :	2226
Land Parcel :	Lot 1 DP 205183		

DoP Planning Officer Contact Details

Contact Name : **Emily Marriott-Brittan**
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RPA Contact Details

Contact Name : **Robyn Williams**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Southern Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	1,098.00	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
 If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
 If Yes, comment :

Supporting notes

Internal Supporting Notes :
 External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **Council's stated objectives of the Planning Proposal are to:**

- **Increase development yields on the site**
- **Encourage the redevelopment of the site to increase the provision of medical facilities in a location close to Jannali Centre**
- **Encourage the redevelopment of the site to increase the provision of small dwellings to meet the needs of the community in a location close to Jannali Centre**
- **Encourage redevelopment which maintains the amenity of neighbouring single dwellings**

The Statement of objectives is considered to be adequate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal (plus telephone confirmation from Council on 30 August 2011)**

explains the provisions as follows:

1. An amendment to the Sutherland Shire Local Environmental Plan 2006, Clause 14 – 'Exceptions to Zoning Table – specified development on specified land' to permit two additional uses:

- 'medical facility'
- 'shop top housing'

Council decided not to rezone the land for a commercial zone as Council does not want to allow other additional retail uses on the site.

2. A proposed maximum floor space ratio of 0.65:1 and minimum landscaped area of 35%. Zone 4 Local Housing is proposed to remain.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

The previous use of the site was a service station. A Site Audit Statement prepared by the Office of Environment and Heritage (previously the Department of Environment, Climate Change and Water) states that the land is suitable for the following uses:

- Residential with accessible soil including garden, excluding poultry
- Day care centre, preschool, primary school
- Residential with minimal soil access including units
- Secondary school
- Park, recreational open space, playing field
- Commercial/industrial

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has not suggested an exhibition period but suggests that the Planning Proposal be exhibited in accordance with any requirements as determined by the gateway process.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation
to Principal LEP :

Council has commenced work on its Standard Instrument LEP and is proposing to submit the plan to the Department at section 64 stage in October 2011. The draft Plan will not be made until 2012.

The Planning Proposal requires an amendment to the Sutherland Shire Local Environmental Plan 2006, Clause 14 - 'Exceptions to Zoning Table - specified development on specified land' to permit two additional uses: 'medical facility and 'shop top housing'. This clause effectively creates a unique site specific zone that would be difficult to translate into a SI Zone. Council's proposed intentions for the site under the draft SI LEP are not known.

It should be noted that Amendment 12 which was recently considered by the gateway and one proposal was rejected on the basis that the 'Exceptions to Zoning Table' Clause was not an appropriate mechanism and a suitable zone should be used instead.

Assessment Criteria

Need for planning
proposal :

The Planning Proposal has been put forward to enable the landowners to pursue a development proposal on the basis that the current planning controls limit the potential of the site to meet demands for housing and medical facilities.

Factors in the 'need' for the proposal include:

1) The current floor space ratio of 0.45:1 is considered insufficient to encourage increased development yields on the site.

2) The draft South Subregional Strategy requires Sutherland Shire Council to make provisions for an increase of 10,000 dwellings, in Sutherland Shire by 2031. Jannali is identified in the Strategy as a Small Village, and is served by a railway station and a range of shops and services, with the subject site 400m from the railway station. There is a need for greater housing choice especially medium density dwellings in the area and this proposal addresses this need.

3) According to the Sutherland Shire Council Ageing Strategy, a growing ageing population will mean there is a greater need for medical facilities in the region.

4) Another option would be re-zoning the existing site from Zone 4 –Local Housing to Zone 9 - Local Centre or Zone 10 – Neighbourhood Centre. One of the objectives for Zone 10 is to encourage shop-top housing in association with small business uses. This objective would satisfy part of the Planning Proposal which recommends the provision of shop top housing. In addition, medical facilities are a permissible use in both Zone 9 and Zone 10.

It should be noted that Zone 9 and Zone 10 allow other small-scale retail and business activities. While the site is directly surrounded by residential lots, Box Road (which runs off

Consistency with strategic planning framework :

Georges River Road) includes a number of sites which are zoned Zone 9 which allows business and retail uses, including several restaurants, a veterinary clinic, video store and real estate agent. It is considered that changing the subject site's zoning from Zone 4 to Zone 9 or Zone 10 would not be inconsistent with the character of the area considering the existing small scale retail and business uses that already exist within a block from the subject site.

1) The Planning Proposal is consistent with the strategic planning context for the Metropolitan Plan for Sydney 2036 as it is within walking distance to Jannali centre. The Planning Proposal will make use of existing public infrastructure, increase the supply of small dwellings and increase the number of trips made by public transport, with Jannali train station a 400m walk from the site.

The Planning Proposal is therefore consistent with action B1, focusing activity on accessible centres, and B1.3 locating 80% of new housing within walking distance of centres with good public transport.

2) Sutherland Council has mentioned that the Planning Proposal is consistent with the Sutherland Shire Council Ageing Strategy. A focus of the Strategy is to facilitate the development of small medical practices in Sutherland Shire. The Jannali locality has a high proportion of older residents, so the introduction of more medical facilities would cater to the anticipated growth in the demand of General Practitioner services.

3) Sutherland Council has outlined that the Planning Proposal is consistent with the objectives of the draft Housing Strategy, which aims to provide additional dwellings in all of the Sutherland commercial centres.

4) 117 Directions

3.1 Residential Zones

The Planning Proposal is considered to be consistent with this Direction as it would encourage the provision of housing and housing choice in accordance with the requirements and objectives of this Direction.

3.4 Integrating Land Use and Transport

The Planning Proposal is considered to be consistent with this Direction. The Jannali train station is easily accessible, which lowers car dependency and encourages public transport use.

5.2 Sydney Drinking Water Catchment

The Planning Proposal is consistent with this Direction. The Planning Proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2011.

6.3 Site Specific Provisions

The Planning Proposal is considered to be consistent with this Direction which requires that a Planning Proposal not have unnecessary restrictive specific planning controls.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The Planning Proposal is consistent with the objectives of the Metropolitan Plan for Sydney 2036. Objectives include focusing activity in accessible centres; meeting subregional housing targets; locating 80% of new housing within the walking catchments of existing centres with good public transport and improving the quality of new housing development.

5) SEPP 55 (Remediation of Land)

The existing use of the site was a Service Station. The applicants have provided a Site Audit Statement from the Office of Environment and Heritage (previously the Department of Environment, Climate Change and Water) to determine land use suitability. The Site Audit Statement confirmed that the site could be used for residential use. The Planning Proposal is unlikely to cause any environmental impacts and therefore the Proposal is considered to be consistent with SEPP 55.

Environmental social
economic impacts :

**No endangered communities exist on or in the vicinity of the site.
The Planning Proposal will not have any negative impacts on critical habitat, threatened species populations, or ecological communities or their habitats.**

The planning proposal is unlikely to have any environmental impact on the site. A Site Audit Statement confirms that the site can be used for residential use.

The proposal is considered to have no major social or economic impacts. The additional use of medical facilities to the site will create employment opportunities.

It is expected to have a minor impact on traffic considering the proposal ultimately seeks to increase residential yield.

Conclusion:

The Planning Proposal is considered to have merit but there is concern over the use of the Additional Uses clause as the mechanism to achieve the LEP amendments. Two options could be considered:

1. Request that Council choose one of the existing retail or commercial zones from the SSLEP2006 to make the transition to the Standard Instrument format as straightforward as possible, and proceed to exhibition subject to approval from the Regional Director, Sydney Region East.

2. Allow Council to proceed with the Additional Uses clause approach but remind council that it will need to consider a suitable zone for the site as a part of its preparation of the SI LEP.

It is recommended that option 1 be supported.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Sutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Proposal Covering Letter	Yes
Sutherland Shire CouncilPlanning Proposal for 121 Georges River Road, Jannali_.pdf	Proposal	Yes
Proponent1Sutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Study	Yes
Proponent2Sutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Study	Yes
Proponent3Sutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Study	Yes
Proponent4Sutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Study	Yes
Proponent5Sutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Study	Yes
CouncilMinutesASutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Study	Yes
CouncilMeetingBSutherland Shire Council_26-08-2011 00_00_00_Planning Proposal for 121 Georges River Road, Jannali_.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that:

1. The Planning Proposal proceeds with conditions which would require Council to adopt an appropriate retail/commercial zone for the site instead of using the additional uses schedule
2. The planning proposal is exhibited for 14 days
3. The planning proposal should be completed in 6 months
4. The Planning Proposal is considered to be consistent with the Section 117 Directions and Council does not need to address these Directions further
5. No consultation with Public Authorities is required
6. No further studies are required to be carried out
7. Council discuss a suitable zone with the Sydney East Regional Team and proceed with the proposal subject to approval of the Regional Director, Sydney East.

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Supporting Reasons : **The site, which is currently zoned residential, should be rezoned retail/commercial in order to accommodate the proposed uses of 'shop top housing' and 'medical facilities'. The rezoning of the land to retail/commercial will provide for the additional uses while still allowing a straightforward translation of the current LEP land use zones to SI zones.**

Signature:



Printed Name:

DAVID PITNEY

Date:

14/9/11