

Rezoning land at 152 Old Illawarra Road, Barden Ridge

Proposal Title : **Rezoning land at 152 Old Illawarra Road, Barden Ridge**

Proposal Summary : **The planning proposal seeks to amend the Sutherland Local Environmental Plan 2006 (LEP) by rezoning the subject site from Zone 10 – Neighbourhood Centre to Zone 9 – Local Centre to allow development of a shopping centre.**

PP Number : **PP_2014_SUTHE_001_00** Dop File No : **13/12007**

Proposal Details

Date Planning Proposal Received : **27-Mar-2014** LGA covered : **Sutherland**

Region : **Sydney Region East** RPA : **Sydney East Joint Regional Plan**

State Electorate : **MENAI** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **152 Old Illawarra Road**

Suburb : **Barden Ridge** City : **Sydney** Postcode : **2234**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Deewa Baral**

Contact Number : **0285754127**

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RPA Contact Details

Contact Name : **Jazmin van Veen**

Contact Number : **0297100809**

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DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**

Contact Number : **0285754111**

Contact Email : **diane.sarkies@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Consistent with Strategy :

Regional Strategy :

Rezoning land at 152 Old Illawarra Road, Barden Ridge

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 150

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 : **Planning and Infrastructure is not aware of any meetings or communications with registered lobbyists concerning this Planning Proposal.**

Supporting notes

Internal Supporting
Notes :

- A development application (DA 11/0834) was previously lodged in August 2011 on the subject site for the construction of a neighbourhood shopping centre. Due to the proposed cost of works, this DA was referred to the Sydney East Joint Regional Planning Panel (the Panel) for determination. The proposal was ultimately refused by the Panel as it was considered too large in terms of retail space, bulk and scale for a neighbourhood centre for which it is zoned.

- On 20 December 2012, a planning proposal was submitted to Council for rezoning the subject site to Zone 9 - Local Centre.

- On 13 May 2013, Council resolved not to proceed with the planning proposal.

- On 8 July 2013, a pre-Gateway review was requested by the proponent.

- On 26 November 2013, the Panel recommended the planning proposal be submitted for a Gateway determination.

- On 10 February 2014, Council resolved that it does not wish to act as the relevant planning authority for the subject planning proposal as it previously unanimously opposed the proposal.

- On 17 March 2014, the Panel was appointed as an alternative RPA for progressing the planning proposal through the plan making process.
On 27 March 2014, the required fee was paid by the proponent.

- The principal Sutherland Shire LEP is currently under review. The proposed Zone 9 - Local Centre will be translated to B2 - Local Centre under the principal LEP, if this amendment is finalised prior to the comprehensive LEP.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal seeks to amend the Sutherland Local Environmental Plan 2006 (LEP) by rezoning the subject site from Zone 10 – Neighbourhood Centre to Zone 9 – Local Centre to allow development of a shopping centre.**

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

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

Comment : **The following provisions are suggested:**
- amend the zoning map to show the site as Zone 9 - Local Centre so that the relevant objectives and permitted uses under zone 9 are applicable to the site;
- retain the maximum height and FSR controls that currently apply to the site so that it responds to the local character of the area; and
- prepare a revised site specific Development Control Plan.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

* May need the Director General's agreement

4.2 Mine Subsidence and Unstable Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

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

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

If No, explain :

1.1 Business and Industrial Zones:

The subject site is located amidst a low density bushland setting and only served with a bus route as a public transport. A large isolated shopping centre may not respond perfectly to the neighbourhood character of the surrounding residential area. The subject site may not be considered as an ideal location to encourage employment growth as it does not support the viability of identified strategic centres. However, given the market demand for supermarket and retail shops in the region, the inconsistency with this Direction is considered minor.

3.4 Integrating Land Use and Transport:

Although the Traffic Assessment Report (CBHK, December 2012) demonstrates consistency with some objectives, the proposal is largely 'car-based' retail development and is therefore, not fully consistent with this Direction. However, the proposal would generate employment, reduce traffic congestion in nearby centres, provide more retail choice for residents and passing motorists, enable easy access to servicing vehicles and is unlikely to adversely impact on the existing transport infrastructure.

4.2 Mine Subsidence and Unstable Land:

Given the existing commercial zoning of the land, it is assumed that satisfactory technical information has previously been provided to Council in satisfying the capabilities of the land to be developed for commercial and retail purposes. Further confirmation for the actual development would be provided at the development application stage.

7.1 Implementation of the Metropolitan Plan for Sydney:

The planning proposal is consistent with the relevant provisions of the 'Metropolitan Plan for Sydney 2036'.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is recommended that public exhibition of the planning proposal is undertaken in the following manner by the Panel:

- 28 days exhibition period (to be extended if the exhibition occurs during the school holiday period);
- notification in local newspaper at commencement of exhibition period;
- notification on the Panel's website for the duration of the exhibition; and
- notification in writing to affected and adjoining landowners at commencement of the exhibition period.

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 :

Comments in relation to Principal LEP : The draft Principal Sutherland Shire LEP 2013 is currently under independent review. It is anticipated to be finalised by the end of this year.

Assessment Criteria

Need for planning proposal : The planning proposal is a result of a pre-Gateway review application considered by the Panel on 26 November 2013 recommending the matter proceed to the gateway.

The planning proposal seeks to amend the existing Sutherland LEP to allow a higher order retail zone to facilitate a neighbourhood shopping centre comprising a range of retail shops, a supermarket and associated car parking and landscaping. The development is anticipated to have a maximum 4000 sq m of floor area and will also incorporate a design promoting the development as a 'community hub' in line with the current planning controls. The proposed development would result in approximately 150 operational jobs.

The planning proposal has not been instigated through any specific Council strategy. However, the Economic Impact Assessment (Urbis, 2012) commissioned by the proponent has confirmed there is a market demand for new supermarket and retail shops in the locality to cater to local needs. Increasing retail provisions at Barden Ridge would result in reduced car trips to other centres.

The potential residential development in Heathcote Ridge Release area would also demand larger scale centres as proposed by this planning proposal.

The assessment of a development application lodged for the site in August 2011 suggested that the current zone is not appropriate for a supermarket based neighbourhood shopping centre. In light of an economic analysis, this planning proposal has been lodged to allow for the appropriate zoning to be adopted for the site.

Consistency with strategic planning framework :

The planning proposal is consistent with the Metropolitan Plan for Sydney 2036 (2010) and draft Metropolitan Strategy for Sydney to 2031 (2013), as follows:

- contributes towards increasing employment and supports Sydney's economy by encouraging the productive use of commercially zoned land that is currently vacant;
- assists with planning new centres in existing urban areas and greenfield release areas;
- assists with planning new neighbourhood centres near schools; and
- provides for a good supply of retail space.

The planning proposal is consistent with the draft South Sub-Regional Strategy (2007) as follows:

- provides suitable commercial sites and employment land in strategic areas; and
- under the draft strategy - centre types, 'Small Village' refers to a small strip of shops and surrounding residential area within a 5 to 10 minute walk containing 800-2700 dwellings and 'Village' refers to a strip of shops and surrounding residential area within a 5 to 10 min walk containing between 2,100 and 5,500 dwellings. Both these centre types are translated to zone 9 – Local Centre under SSLEP 2006. The subject site, being vacant, is not recognised on the 'centres map' in the draft strategy although the site has the following features:
 - o the site would underpin the Main Trade Area as identified in the Economic Impact Assessment Report (Urbis, December 2012) servicing approximately 3750 dwellings;
 - o within 5-10 min walk of a potential further 260 dwellings of the Heathcote Ridge release area;
 - o close proximity to the total capacity of the release area to 2,400 dwelling;
 - o within 5 - 10 min walk of regional sporting facilities and Lucas Heights sports field;
 - o close proximity with two schools and two churches; and
 - o adjoins the main north-south regional road link with bus service linking other centres.

These characteristics suggest the site justifies the recognition of a higher order categorisation under the SSLEP 2006 than it is currently zoned.

Environmental social economic impacts :

The potential environmental impacts such as bushfire hazard, critical habitat and potential contamination are addressed in a separate technical report commissioned by the proponent, as follows:

• **Flora and Fauna Assessment (August 2011, Cumberland Ecology):**

No threatened flora species were detected on the site. Each threatened flora species recorded in the Sutherland LGA were assessed for the likelihood of occurrence and none were likely to occur. The report confirms the site is suitable for development from an ecological perspective.

• **Bushfire Protection Assessment (August 2011, Australian Bushfire Protection Planners Pty Ltd):**

The subject site and the adjoining land is categorised as 'Vegetation Category 1' under Bushfire Prone Land Map and any development on site needs to satisfy the provisions of s79BA – 'Consultation and development consent—certain bush fire prone land' at the development assessment stage.

A Bushfire assessment report against a proposed development (DA 11/0834) on the subject site confirms that various construction standards, access provisions and fire protection measures can be employed to provide adequate protection from bush fire occurrence.

• **Contamination Assessment (April 2008, JBS Environmental):** The Preliminary Contamination Assessment of the site confirms that the site is suitable for the

development and no further environmental works or remediation is necessary.

• **Visual Assessment:** Potential visual impact arising from the built form and associated development can be managed through the preparation of a site – specific Development Control Plan (DCP). The proponent has agreed to work on the DCP concurrently with the planning proposal to set the framework for detailed design and assessment of the proposed development.

• **Services and Infrastructure:** The Traffic and Parking Assessment report (CBHK, December 2012) identified that the surrounding road network can accommodate the additional traffic generated by the proposed development sought through this planning proposal with intersections operating at satisfactory or better levels of service in both peak periods. The proposal is of a nature that is unlikely to adversely impact upon infrastructure and services as it is currently zoned for commercial use and has ability to utilise road, drainage and other essential infrastructure that already exist in the area.

• **The Urban Design report** (September 2011, Urbis) demonstrates the site is well connected by pedestrian and cycle networks. Daily bus services running past the site are available to service the development to some extent. The proponent has acknowledged that if required, any associated road works concerning entry/exit to the site would be fully funded by Woolworths as part of the development assessment process.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation :

Public Authority Consultation - s56(2)(d) : **Transport for NSW
NSW Rural Fire Service**

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 :

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
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Rezoning land at 152 Old Illawarra Road, Barden Ridge

Planning Proposal_152 Old Illawarra Road_Barden Ridge.docx	Proposal	Yes
Tag A_Economic Impact Assessment _December 2012.pdf	Study	Yes
Tag B_Flora and Fauna Report.pdf	Study	Yes
Tag C_Bushfire Assessment.pdf	Study	Yes
Tag D_Contamination Statement and Report.pdf	Study	Yes
Tag E_Traffic Report for Planning Proposal, Barden Ridge rpt2.pdf	Study	Yes
Tag F_Urban Design Report.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.4 Integrating Land Use and Transport
 4.2 Mine Subsidence and Unstable Land
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. Prior to undertaking exhibition, the proponent is to submit a draft site specific DCP for the subject site which will be exhibited along with the planning proposal.

3. Consultation is required with Sutherland Shire Council, Transport for NSW and NSW Rural Fire Service.

4. The planning proposal be exhibited for a minimum of 28 days.

5. The planning proposal be completed within 9 months of the gateway determination.

Inconsistencies with s117 Direction 1.1 Business and Industrial Zones and 3.4 Integrating Land Use and Transport are minor and have been justified. The A/Secretary's approval to proceed under these Directions be granted. No further consideration of any other Section 117 Directions is required.

No further studies are required to be carried out.

Supporting Reasons : **The planning proposal seeks to amend the existing Sutherland LEP to allow a higher order retail zone to facilitate a neighbourhood shopping centre which will result in approximately 150 operational jobs.**

Signature: _____

Printed Name: _____ Date: _____