

PLANNING PROPOSAL 152 Old Illawarra Road, Barden Ridge

Title:

Planning Proposal to amend Sutherland Local Environmental Plan (LEP)

Planning Proposal Number:

PP_2014_SUTHE_001_00

1.0 OBJECTIVES OR INTENDED OUTCOMES

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 allowing a higher order retail zone to facilitate a neighbourhood shopping centre comprising speciality retail shops, a supermarket and associated car parking and landscaping. The development is anticipated to have a maximum 4000 m² 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 results in approximately 150 operational jobs.

3.0 EXPLANATION OF PROVISIONS

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.

4.0 JUSTIFICATION

Need for the Planning Proposal

The planning proposal has progressed from a pre-gateway review request considered by the Panel on 26 November 2013, which recommended the matter proceed to the gateway.

The Economic Impact Assessment (**Tag A**) (Urbis, 2012) commissioned by the proponent confirmed there is a market demand for a new supermarket and speciality shops in the locality to cater to local needs. Increasing local retail provision for Barden Ridge residents will reduce their need to travel to other centres, which is more sustainable.

Additionally, the potential residential development in Heathcote Ridge Release area would demand a larger scale centre as proposed.

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 supporting 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 consistent with the above centre types:
 - the site would underpin the Main Trade Area as identified in the Economic Impact Assessment Report (Urbis, December 2012) servicing approximately 3,750 dwellings;
 - within 5-10 minute walk of a potential further 260 dwellings within the Heathcote Ridge release area;
 - close proximity to the total capacity of the release area of 2,400 dwellings;
 - within 5 - 10 minute walk of regional sporting facilities and Lucas Heights sports field;
 - within close proximity to two schools and two churches; and
 - adjoins the main north-south regional road link with bus service linking other centres.

These characteristics suggest the site should be recognised as a higher order centre under the SSLEP 2006.

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 (Tag B)** - (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 (Tag C)** - (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 prepared for 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 (Tag D)** - (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 Assessment report (**Tag E**) (CBHK, December 2012) found 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 the ability to utilise road, drainage and other essential infrastructure that already exist in the area.
- **Urban Design:** The Urban Design report (**Tag F**) (September 2011, Urbis) demonstrates the site is well connected by the 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 and addressed through the development assessment process.

5.0 MAPPING

Maps to support the planning proposal that seeks to amend Sutherland LEP are included in Appendix 1-3.

6.0 COMMUNITY CONSULTATION

Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:

- the planning proposal must be made publicly available for a minimum of 28 days (excluding school holiday period);
- notification requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (previous Department of Planning & Infrastructure, 2013); and
- consultation is required with Sutherland Shire Council, Transport for NSW and NSW Rural Fire Service.

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

A site specific Development Control Plan should also be placed on a public exhibition.

A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7.0 PROJECT TIMELINE

Milestone	Timeframe	Estimated Completion Date
Gateway Determination		30 May 2014
Finalisation of site specific DCP	2 weeks from Gateway Determination	16 June 2014
Public exhibition including agency consultation	28 days - commence exhibition 14 July 2014	4 August 2014
Consideration of submissions	4 weeks from close of exhibition	1 September 2014
Consideration of draft planning proposal post-exhibition by the JRPP	4 weeks from submissions report being received	6 October 2014
Plan to be made	Includes processing by PC	10 November 2014

The estimated timeframe for this planning proposal is nine (9) months.

APPENDIX 1 – LOCALITY MAP



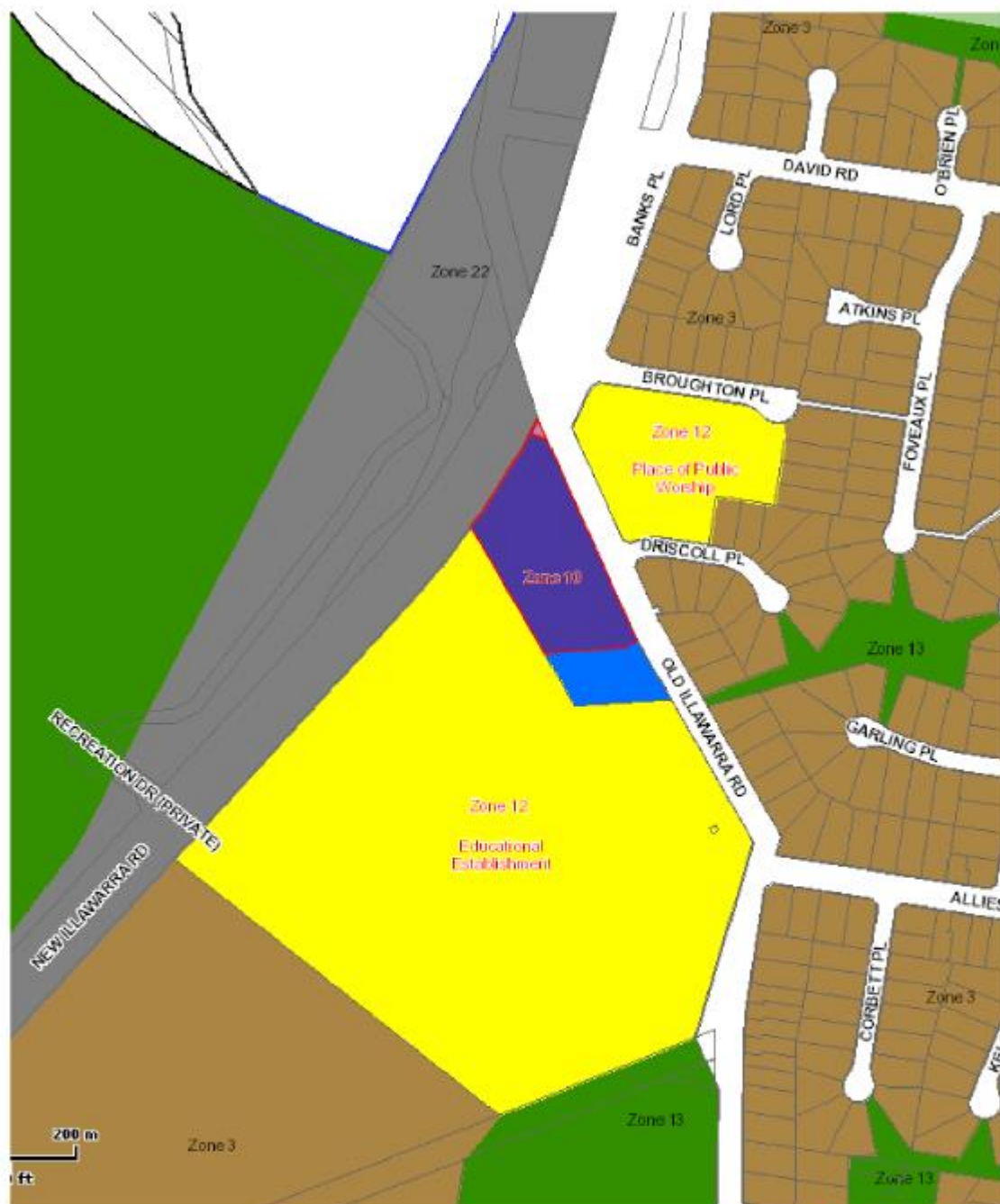
2012 Aerial Photo ©
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Sutherland Shire
COUNCIL 

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APPENDIX 2 – LAND USE MAP



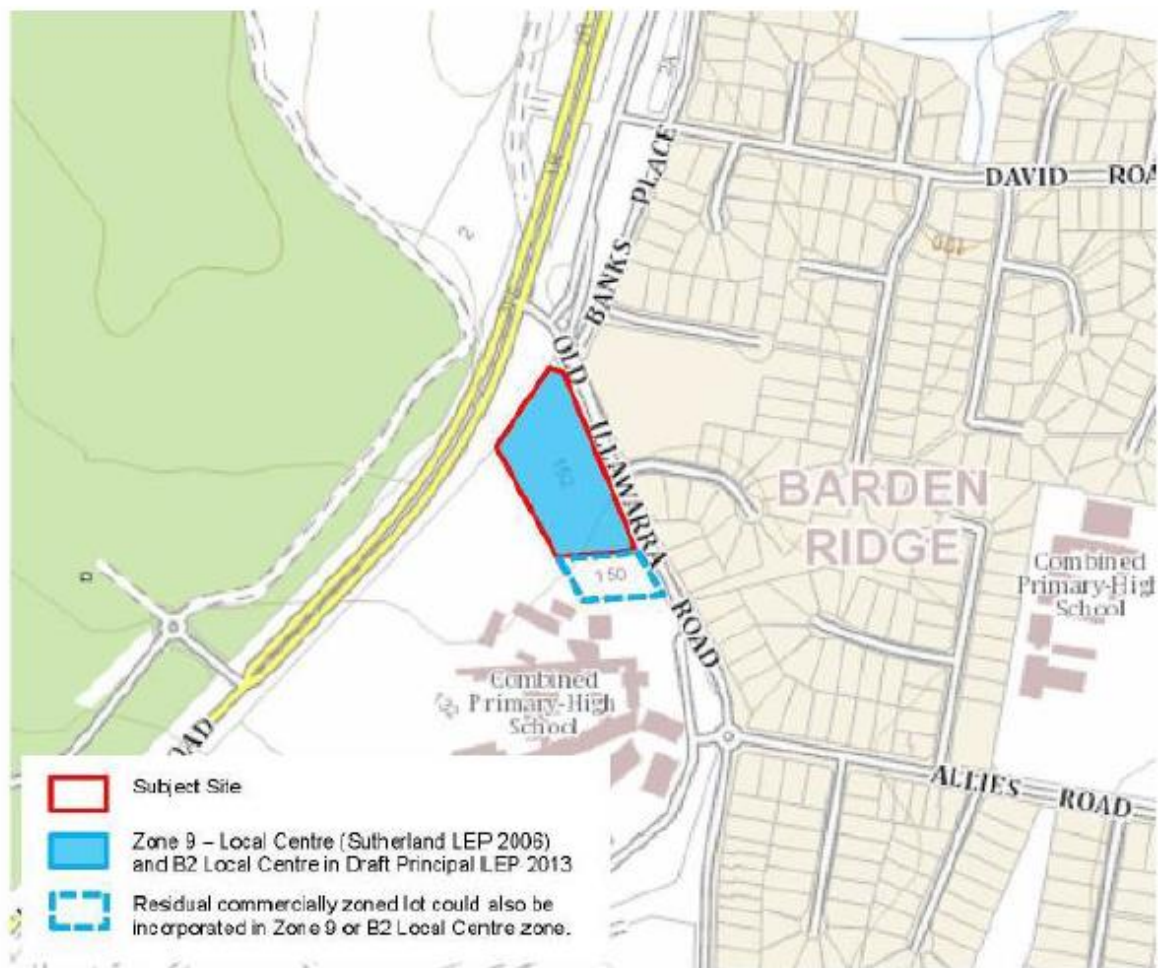
Zoning SSLEP 2006

Sutherland Shire
COUNCIL



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Proposed Zoning

APPENDIX 3 – CONCEPT PLAN



APPENDIX 4 – RELEVANT SEPPs

The following SEPPs are relevant to the planning proposal.

Title of State Environmental Planning Policy(SEPP)	Applicable	Consistent	Reason for inconsistency
SEPP No 55- Remediation of Land	YES	YES	The Preliminary Contamination Assessment Report (Tag D) recommended that no further investigation is required and the site is deemed suitable for the intended land use.
SEPP(Infrastructure) 2007	YES	YES	The Traffic Report (Tag E) (December 2012, Colston Budd Hunt & Kafes Pty Ltd) confirms the proposed development is consistent with the relevant clause 104 –Traffic Generating Development of the SEPP.

APPENDIX 5 – RELEVANT s117 Directions

The following s117 Directions are relevant to the planning proposal.

1.1 Business and Industrial Zones:

The subject site is located in a low density bushland setting, isolated from other strategic centres and only served with a bus route as public transport. The proposal is partially inconsistent with this Direction as it does not support the viability of identified strategic centre. However, given the proven 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 **(Tag E)** (CBHK, December 2012) demonstrates consistency with some objectives, the proposal is largely a 'car-based' retail development and is 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 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'.