



Business Paper

Sutherland Shire Local Planning Panel

Tuesday, 4 May 2021

6.00pm

e-Meeting

SUTHERLANDSHIRE

ORDER OF BUSINESS

1. DISCLOSURES OF INTEREST

2. REPORTS FROM OFFICERS

SSLPP026-21 DA20/0973 – 159 Oyster Bay Road, Oyster Bay
Demolition of existing structures, construction of a multi-dwelling
development comprising of three (3) units with basement parking and
strata subdivision.

SSLPP027-21 42A Railway Crescent, Jannali
Planning Proposal Box Road Car Park Jannali

SSLPP027-21 PLANNING PROPOSAL BOX ROAD CAR PARK JANNALI

SSLPP027-21

Attachments: Appendix A [A](#)

REASON FOR REPORT

This Planning Proposal is referred to the SSLPP for advice in accordance with the Section 9.1 Direction issued by the Minister for Planning 27/09/2018.

REPORT RECOMMENDATION

THAT:

1. The Planning Proposal for the site at 42a Railway Crescent, Jannali which proposes to rezone the land from SP1 Car Park to B2 Local Centre, apply a floor space ratio of 2:1, and exclude the floor area associated with a 200 space commuter car park from the calculation of gross floor area has sufficient merit to warrant referral to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway determination.

OFFICE'S COMMENTRY

The Site

Box Road is the primary retail strip in Jannali centre. It generally consists of single storey, traditional 1950s-60s shop fronts. The footpaths were re-paved in the early 2000s with Chinese elms planted as street trees. The elms now contribute to the character and amenity of the centre.

42a Railway Crescent, Jannali is a 129 space time limited public car park that serves the Jannali centre. The car park has an area of approximately 6800m² and has a cross fall of approximately 10 metres with the entrance to Beatrice Road being the lowest point. The car parking spaces are interspersed with mature trees and contains planting between changes of level.

The car park's primary access point is from Beatrice Road. Box Lane also provides vehicle and pedestrian access to Box Road but it is only approximately 6.5m wide and therefore has limited utility. A pedestrian path is available from Charles Place to the north east which allows residents access to the railway station and the businesses in Jannali by walking across the car park.

Adjoining the car park to the south are the rear of nine properties fronting Box Road. Seven properties, being 527 to 555 Box Road, are located to the east of Box Lane. Woolworths owns or controls all of these properties except 535 Box Road and the Jannali Uniting Church at 572 Box Road. They currently enjoy benefit of rear access to the car, however their access arrangements are not protected on title.

To the north west of the car park at 34 Railway Crescent is a new six storey mixed use development comprising of a pub at ground level and 89 units. This development was approved in 2015 and has a building height of 20m and a FSR 2:1. A two storey, seven lot commercial strata building adjoins the car park and Beatrice Road at 40-42 Railways Crescent. It has a surface car park adjoining the public car park.

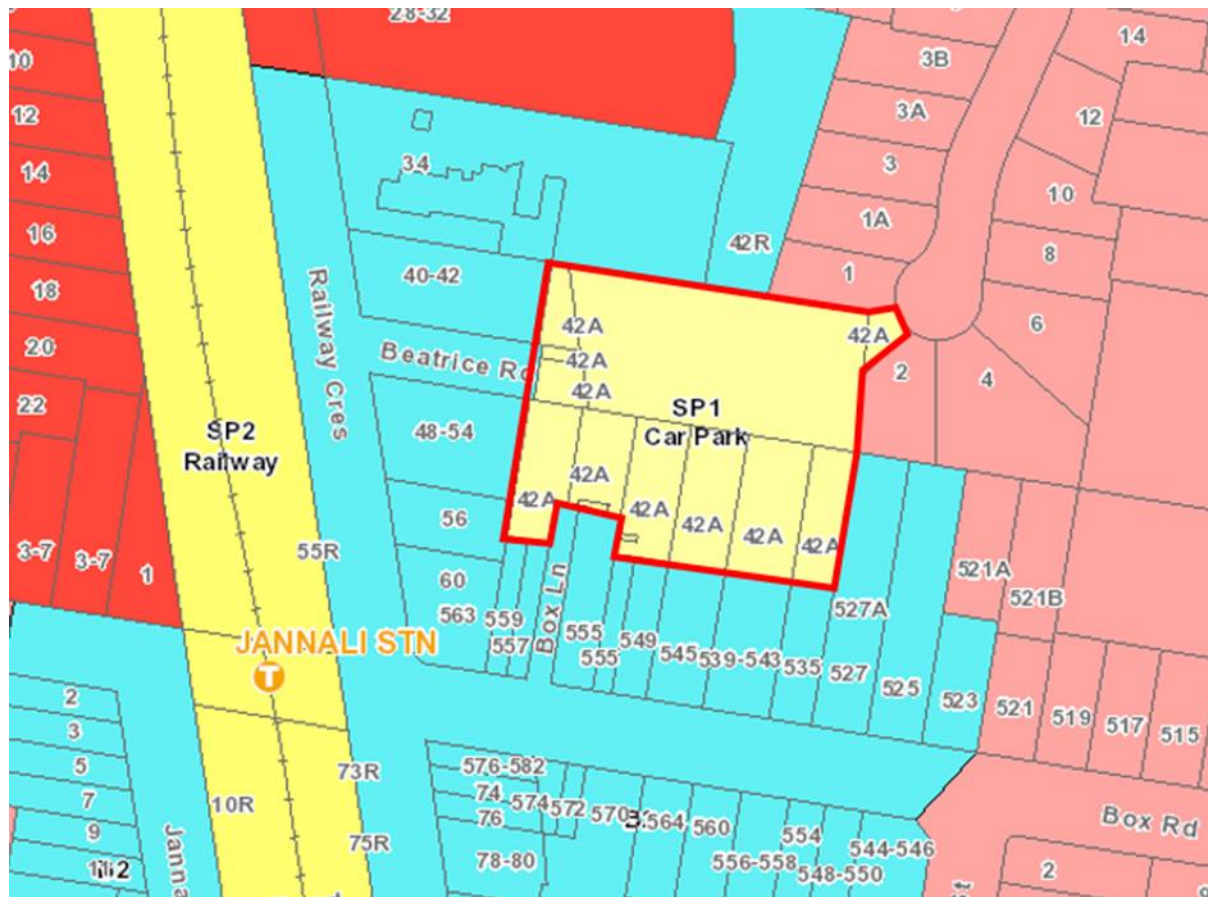
To the north east of the car park is Charles Place which is zone R2 Low Density Residential. It is a cul-de-sac and generally comprises of single dwellings.

Current and Proposed Zoning:

An extract from the zoning map from Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) below shows the car park site in yellow which is currently zoned SP1 Car Park. Only car parks and food and drink premises are permissible on this land.

The remainder of properties in the centre including roads, are zoned B2 Local Centre. Shops, commercial premises and residential flat buildings are permissible in the B2 zone. Car park is a defined term in SSLEP2015 and is permissible with consent in the B2 zone. 42a Railway Crescent, Jannali must be rezoned B2 Local Centre to facilitate an integrated development with the properties fronting Box Road because retail premises and residential flats are currently prohibited.

Figure 1: Zoning

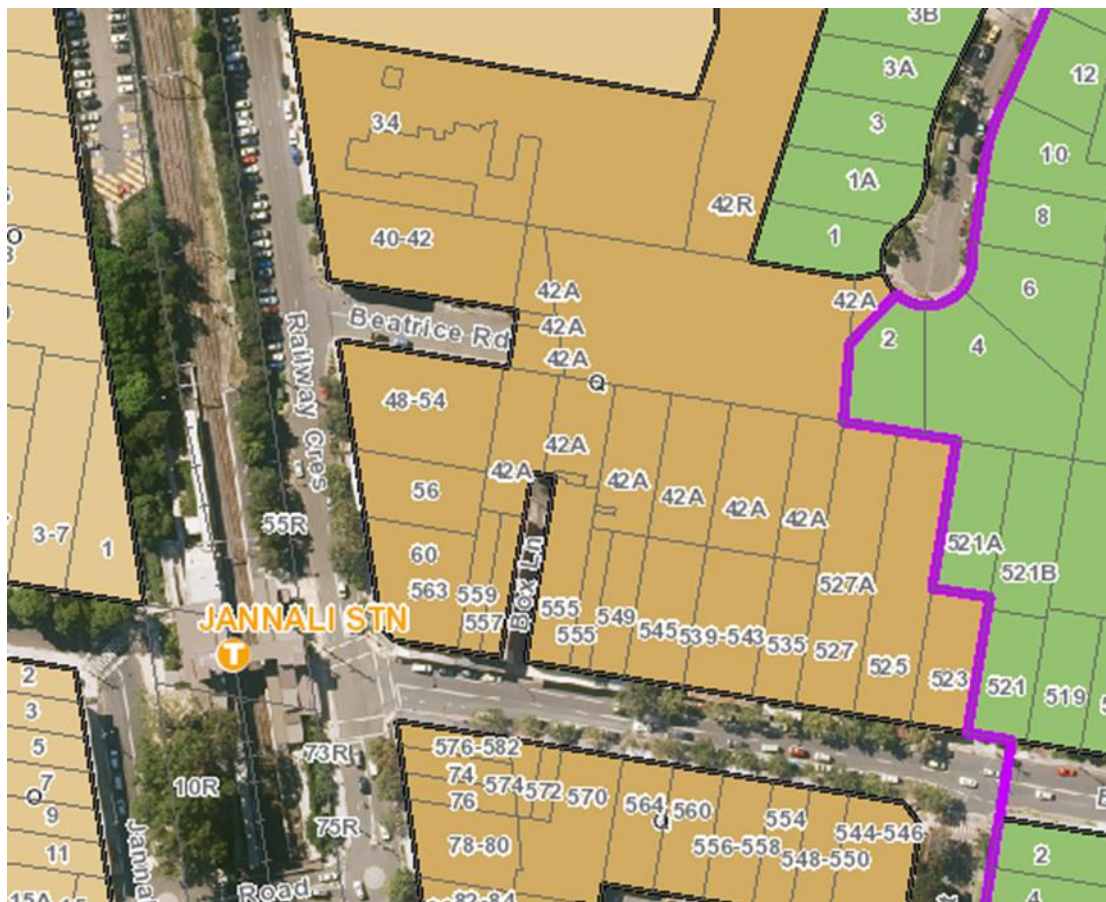


Height of Buildings:

Below is an extract from the height of buildings map of SSLEP2015 which shows that the car park and the properties fronting Box Road all currently have a 20 metre height limit. This is sufficient to achieve an integrated mixed use building on the combined site and is not proposed to be changed by the subject Planning Proposal.

The current height limit does not apply to Box Lane. Box Lane is very narrow and provides very little utility at present. While detailed designs are yet to be prepared for the combined site, it may be logical for the lane to form part of the lot to be developed. If this is the case, that part of the site would effectively have no height limit.

Figure 2: Current Building Height

**Floor Space Ratio:**

An extract from the floor space ratio (FSR) map of SSLEP2015 below shows that the centre has a consistent FSR of 2:1 but no FSR applies to the car park itself and Box Lane. Should the site be zoned B2 Local Centre without an amendment to the FSR map, floor space would be essentially be unregulated. It is considered that this would create unreasonable uncertainty for surrounding residents and the wider community.

Figure 3: Current FSR



Maximum Floor Space Ratio (n:1)

C	0.45
D	0.5
E	0.55
G	0.65
H	0.7
I	0.75
N	1
P	1.2
S1	1.5
S2	1.6
S3	1.8
T	2
U1	2.5
U2	2.75
V	3
W	3.5
X	4

A FSR of 2:1 is the logical control for the car park and Box Lane as this is what applies consistently across the centre. This would mean that any development on the land would be at the same intensity and scale that can be realised elsewhere in the centre. A FSR of 2:1 would result in a building consistent with scale and intensity of the Jannali pub development at 34 Railway Crescent.

A complicating factor in facilitating an integrated development is how a commuter car park would be assessed in terms of FSR. The definition of gross floor area (GFA) is used to calculate the floor space entitlement for the purposes of measuring FSR. The definition includes the space of each floor calculated from its internal face and excludes “*car parking to meet the requirements of the consent authority (including access to that parking)*”. Because “*car park*” is a separately defined term, and the commuter car park would be a standalone use, it is not car parking needed to meet the requirements of the consent authority, and therefore it is floor space for the purpose of measuring compliance with the permissible GFA.

The implication of this definition is that a 200 space commuter car park will be considered floor space for the purposes of measuring compliance with Clause 4.5 of SSLEP2015. Effectively the floor space allocated to commuter parking will be at the expense of other uses permissible in the zone. This is in contrast to parking associated with retail premises where SSDCP2015 requires one space per 30m² of floor area with this area being excluded from the calculation of GFA.

A 200 space car park will have an area in the order of 7,500m². This represents a FSR of 1.1:1. If 42A Railway Crescent is given a FSR of 2:1 consistent with the surrounding land, this would only leave only 0.9:1 for the retail component and any shop top housing that may form part of the development.

Given the 10 metre fall across the site, the most likely design solution for the commuter car park is for it to be cut into the slope from Beatrice Road. This would place most of the structure at or below current ground level. This effectively means that while the commuter car park would add to the intensity of use on the site, it may not add to bulk and scale. By being largely underground, the commuter car park and a mixed use development could be achieved within the 20 metre height limit that applies to the land.

The Planning Proposal seeks to ensure that development outcomes are not penalised by the commuter car park by including a special provision in SSLEP2015 to exclude the area required to provide 200 car parking spaces (approximately 7,500m² of floor space) from the calculation of Gross Floor Area where that floor space is used for commuter car parking provided on or behalf of Transport for NSW (TfNSW).

As a general rule, regular shaped development sites are more efficient to accommodate parking layouts. The map extract below shows the Council car park and adjoining properties to the south fronting Box Road. At present 535 Box Road, 557-559 Box Road and Box Lane are not part of the development site being considered. However, it is prudent to also add the bonus provision to these properties in case they are added to the site as it progresses. There are no adverse consequences for property owners of having the clause apply to their land.

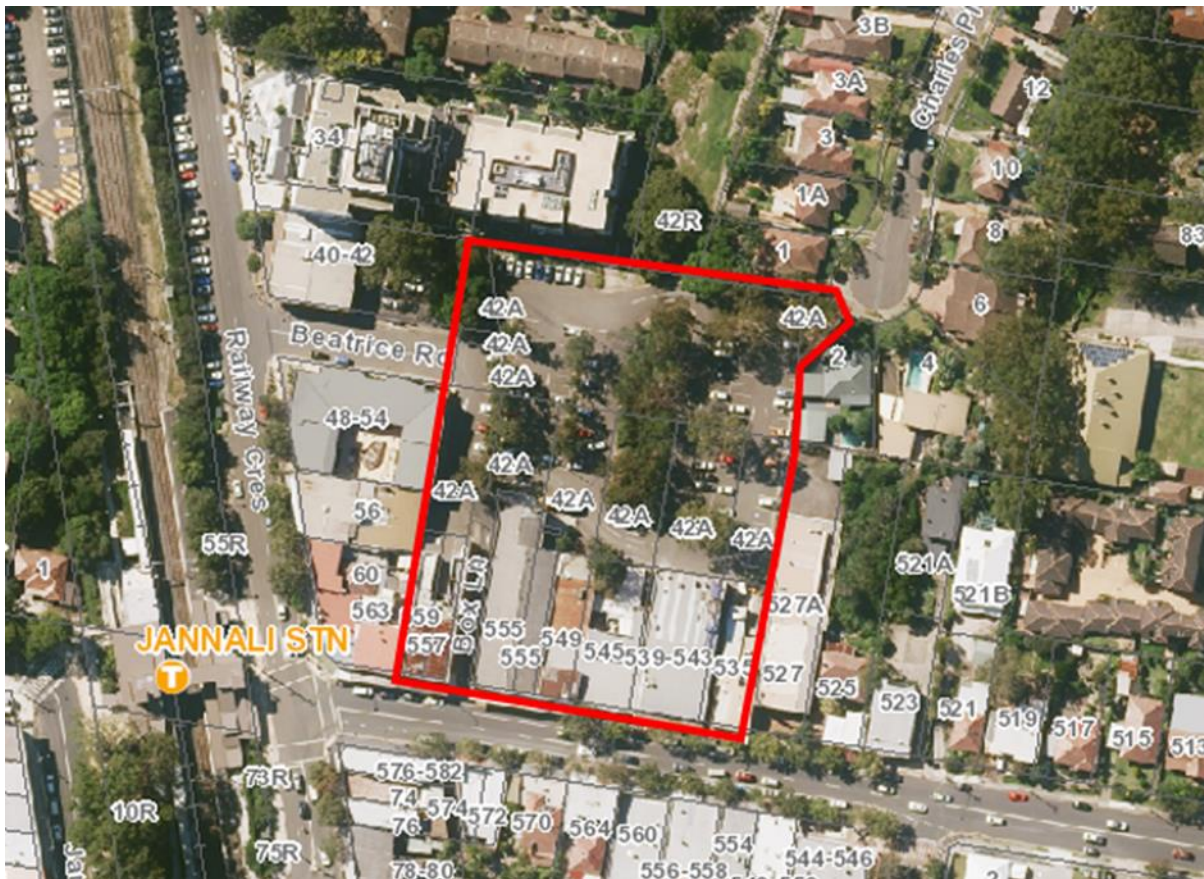


Figure 4: Application of bonus provision

The Planning Proposal:

Transport for NSW (TfNSW) has made a commitment to deliver a 200 space commuter car park at Jannali by 2024. TfNSW initially sought to realise the car park through the compulsory acquisition of 9 homes in Mary Street and Mitchell Road, Jannali. In the face of strong and sustained community and Council opposition, TfNSW abandoned this proposal and instead directed Council to allow it to build the commuter car park on the site of Councils retail and community car park at Box Road, Jannali (known as 42A Railway Crescent, Jannali). However, it is Council view that the Box Road property has strategic potential to help revitalise the centre because it can be combined with adjoining properties to realise an integrated development that can provide a new focus for the centre. Sterilising the site as a commuter car park would not be in the interest of good place making and would do little to help business operators in centre.

Woolworths own or control four properties adjoining the car park and Box Road. Council has been in discussions with Woolworths for several years seeking to explore how the combined sites can best be developed to facilitate an integrated development which creates public benefits for Jannali. Woolworths has developed concept plans that show the potential to deliver significant improvements to the public domain with a much-needed supermarket as an anchor tenant. This will help to activate Box Road and provide economic benefits to the surrounding small businesses.

In November 2019 Council resolved to work with TfNSW to include a commuter park as part of this integrated development, but TfNSW withdrew from discussions. However, TfNSW has now confirmed that they want to be part of an integrated development on the site essentially because this is the only feasible option for a large multi-storey computer car park in Jannali.

The Intended use:

Jannali is a small local centre that has many strategic advantages: it is located at a railway station providing residents excellent commuting opportunities; it has a low speed main street; the footpaths have been widened and it has attractive deciduous shade trees. However, the centre lacks a large supermarket and most residents choose to shop at the supermarkets at Sutherland, Kirrawee or Kareela. Many smaller businesses are struggling. Council's aim is to build on the centre's strengths and create a focus where residents can shop and meet locally. This would assist local place making and help to strengthen the local community, while bringing more customers to the centre. Adding a commuter car park to the mix would simply bring more customers to the centre who are likely to shop on their way to and from work. Commuters are also likely to use the local restaurants and cafes for convenient meal options.

The car park currently serves all businesses in the centre. Council intends to maintain this service by requiring Woolworths to provide two hours free parking to all users.

In essence the objectives of this Planning Proposal are:

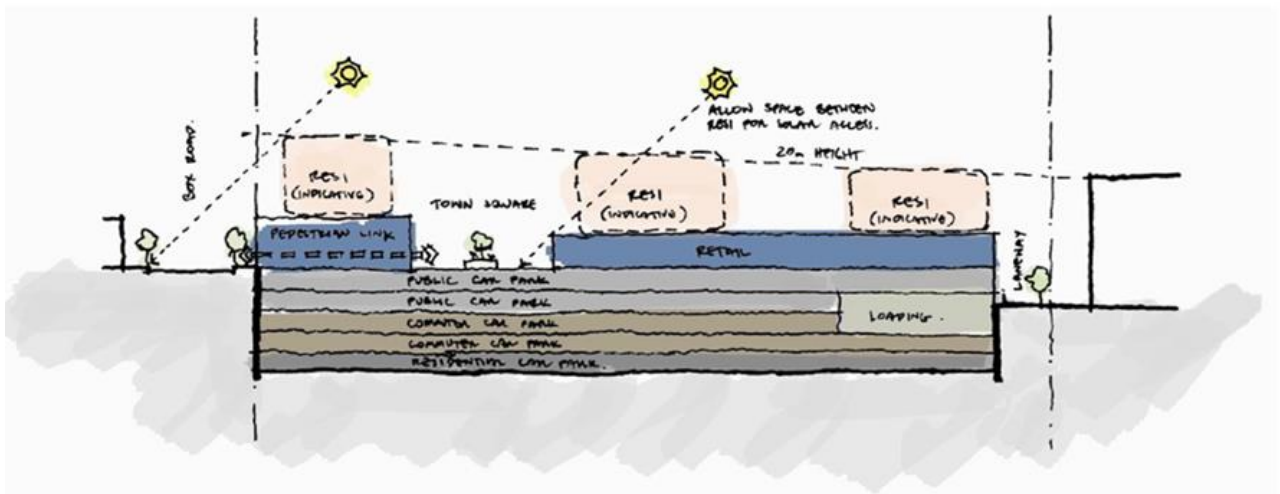
- To facilitate an integrated mixed use development that combines retail uses with residential units and a commuter car park;
- To improve the public domain of Box Road, Jannali so that it is a central focus for residents and the wider community; and
- To enhance the business environment of Jannali centre.

The car park site currently provides vehicle access to several adjoining lots and also provides pedestrian access between Charles Place, Railway Crescent and Box Lane. The diagram below has been prepared on behalf of Woolworths and shows how the site could be developed with a perimeter access laneway which would maintain and improve the existing access arrangements. This access solution can be included into Sutherland Shire Development Control Plan 2016 (DCP). Pedestrian access along the full length of the perimeter laneway would also be shown as a DCP requirement.



The use of a perimeter lane would also bring the built form off the common boundaries, creating a reasonable setback to adjoining properties. The DCP provisions can require landscaping along the boundaries to complement the scale of the proposed buildings. This would improve relationships to adjoining properties.

The image below, also prepared on behalf of Woolworths, is a section through the site from Box Road to the proposed perimeter lane showing how an integrated mix use building can be accommodated within the 20 metre height limit that currently applies to the land. Through excavation to accommodate parking, residential units above the shops can still be accommodated in a manner that preserves solar access to the southern side of Box Road, to a central area of public domain and to the units themselves.



The image below has been prepared by Woolworths to illustrate their initial concept for the site. It shows how the supermarket could be set back from Box Road yet integrated with public domain. The additional commercial retail spaces provide opportunities for outdoor dining which would help the vitality of Jannali, particularly at night.

The concept of a central area of public domain is desirable and would enhance the amenity of the centre for residents and visitors. However, it needs to be readily visible and open to Box Road. It is considered that the width of the opening in the artist's impression below is too constrained. DCP provisions can require a more substantial opening in the order of 20 metres by 20 metres. This space should also be required to receive a reasonable degree of winter solar access.



Councillor Officers have tested the existing height limit and the proposed 2:1 FSR to check the validity of the concept drawing put forward by Woolworths. While this is a Planning Proposal and therefore building forms are unknown, the analysis has demonstrated that the FSR and the commuter car park can be accommodated within the 20 metre height limit while achieving residential apartments that meet the relevant standards of the Apartment Design Guide and providing a reasonable area of public domain with winter solar access. The image below shows this analysis and how the scale of the building would be in context in this locality.



Traffic Management

On behalf of Woolworths, a traffic impact assessment has been prepared by consultants Colston Budd Rogers & Kafes Pty Ltd (CBRK) based on the development of the combined site with a supermarket (3,750m²), some 800m² of specialty retail, 150 residential units and basement parking for 600 vehicles (including 200 commuter spaces) with access from Beatrice Road, Box Road and Box Lane. Preliminary traffic modelling undertaken by CBRK suggests sufficient capacity can be provided in the road network to cater for additional traffic generated by the proposed development via the provision of traffic signals at the intersection of Railway Crescent and the railway overbridge. This would include provision of a second (additional) eastbound approach lane on the railway overbridge and second approach lanes in both directions in Railway Crescent. To achieve the additional lane on the bridge approach CBRK proposes the removal of the footpath on the southern side of the overbridge. Under this proposal, the footpath on the northern side of the overbridge would be retained and connected by pedestrian crossings at each end. There is an existing zebra crossing at the Jannali Avenue (western) end and a new signalised crossing would be provided at the Railway Crescent (eastern) end as part of the proposed intersection improvements.

Whilst not identified in the CBRK report, Council officers are of the view that the intersection of Railway Crescent and Beatrice Road will also need to be upgraded to a controlled intersection (roundabout or traffic signals) to adequately service the site for safety and capacity reasons. In this regard, traffic signals would be preferable from a pedestrian safety perspective. The upgrading of both of these intersections will result in the loss of several existing on street parking spaces in Railway Crescent.

The CBRK assessment demonstrates that a solution is achievable. However, to further inform the traffic implications of the development and any proposed intersection upgrades, the applicant must provide more detailed traffic modelling (in the form of VISSIM microsimulation modelling) and seek further advice from TfNSW in regard to the provision of traffic signals and road widening at these intersections.

The main issue is how the railway bridge and associated intersections can be modified to accommodate increased traffic movements resulting from the commuter car park and supermarket. This is a direct outcome of the future development, the appropriate resolution of which can be determined as part of the development application process. Given that TfNSW is responsible for the bridge, its interests will be served by ensuring that an effective solution is in place to support the development. As upgrading work will be required to meet the demands arising from the proposal, this matter would be resolved through financial arrangements with the applicant as part of the development application.

Contamination Issues

Council and Woolworths have been made aware that there is PCE (Perchloroethylene) and TCE (Trichloroethylene) contamination likely to be present on site. Council has engaged an environmental consultant and a findings report is expected to be completed by the end of May / beginning of June 2021. The consultant will be required to undertake a detailed investigation and expected to determine: whether the land is suitable for the intended purpose or if it can be made suitable, investigate the contamination in soil and groundwater, depth to groundwater and vapour risks that may be associated with any contamination. The consultant will install a number of groundwater, soil and vapour wells across the investigation area that will determine the contamination status and extent of contamination (if any) on the site and whether remediation is required prior to redevelopment.

Given that the site will be excavated to accommodate basement parking, the contamination should be able to be addressed through conditions of consent or construction methods.

Strategic Merit of Planning Proposal:

The Guideline for Planning Proposals, issued under section 3.33(3) of the Act, requires the strategic merit of the proposal to be tested by asking will it:

- give effect to the relevant district plan: or

- give effect to the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district or local strategic planning statement; or
- respond to a change in circumstance, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

This assessment is provided under the following sub-headings:

a) South District Plan: Does the proposal give effect to the relevant district plan?

Planning Priority S1: Planning for a City supported by infrastructure

Objective 4: Infrastructure use is optimised

The planning proposal will facilitate a commuter car park which will enhance transport infrastructure within the centre and make it easier for people to catch the train from Jannali, thus maximising the use of existing infrastructure.

Planning Priority S2: Working through collaboration

Objective 5: Benefits of growth realised by collaboration of governments, community and business

The Planning Proposal is as a result of collaboration between the Transport for NSW, Council and the private sector consistent with the intent of this priority.

Planning Priority S4: Fostering healthy creative, culturally rich and socially connected communities

Objective 7: Communities are healthy resilient and socially connected.

This planning proposal will help deliver a supermarket and improved public domain which will provide opportunities for passive recreation and social connections, consistent with the intent.

Planning Priority S6: Create and renewing great place places and local centres, and respecting the district heritage

Objective 12: Great places that bring people together

Jannali centre has many strategic advantages and an attractive tree lined public domain. However, its business sector is struggling. This Planning Proposal facilitates significant new investment to help revitalise the centre and improve its public domain. The combination of a large commuter car park and a much needed supermarket will bring customers to the centre with economic benefits for local businesses. The new public domain will create a central place where people can gather and strengthen community connections.

- b) **Give effect to the relevant local strategic planning statement or strategy endorsed by the Department or as requires as part of a regional or district or local strategic planning statement.**

Sutherland Shire Local Strategic Planning Statement:

Planning Priority 1: Align Planning to Existing Infrastructure

This planning proposal will enhance the use of Jannali Station by facilitating a commuter car park. This will reduce reliance on existing street parking improving residential amenity.

Planning Priority 2: Managing Traffic Congestion and Parking

This planning proposal will facilitate the development of a commuter car parking within close proximity to Jannali Train Station. Associated signalisation and road upgrades can accommodate traffic flows.

Planning Priority 6: Collaborative Partnerships

This Planning Proposal is the result of a collaborative partnership between Transport for NSW, Woolworths and Sutherland Shire Council.

Planning Priority 9: Community Connections

The development will enhance the public domain and create a central focus for the Jannali centre. This will provide opportunities for casual meetings and events, helping strengthen community connections.

Planning Priority 11: Attractive and Distinctive Centres and Public Places

Jannali is a small local centre that has many strategic advantages. This proposal will help create an attractive public place that is welcoming and enjoyable for residents.

Planning Priority 16: Connected Transport Networks

This planning proposal will help facilitate a commuter car park close to Jannali Train Station. Therefore, it will enhance the current transport network and provide convenient transport options in the Jannali centre.

- c) **Respond to a change in circumstances, such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategies.**

TfNSW's commitment to provide a large commuter car park at Jannali is a new investment decision that was not taken into consideration during the preparation of the LSPS.

Site Specific Merits of the Planning Proposal:

The Guideline for Planning Proposals, issued under section 3.33(3) of the Act, requires the site specific merit of the proposal to be tested, having regard to the following:

- a. the natural environment (including known significant environmental values, resources or hazards);
- b. the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- c. the services and infrastructure that are or will be available to meet the demand arising from the proposal and any proposed financial arrangements for infrastructure provision.

d) The natural environment (including known significant environmental values, resources or hazards).

The site comprises a surface public car park and adjoining shops. The Planning Proposal will facilitate a mixed use development incorporating the car park and the shops. However, the current zoning allows the development of a car park and food and drink premises to a height of 20 metres. As such there is no impact on the natural environment that will flow from the Planning Proposal.

While there are some established trees that have been planted among the parking spaces which contribute to local habitat, they do not make a significant contribution to the natural environment in the locality. Perimeter planting will compensate for the tree removal.

The redevelopment also allows the existing site contamination to be mitigated, removing this hazard from the natural environment.

e) Existing uses, approved uses and likely uses on the land in the vicinity of the proposal.

The site is centrally located in Jannali centre. Jannali is an older centre that is generally characterised by one and two storey 1960's shops. Under Sutherland Shire Local Environmental Plan 2006 the Local Centre Zone (Zone 9) had a height limit of 3 storeys and a FSR of 2:1. SSLEP2015 increased the height limit to 20 metres to realise the potential of the centre to deliver residential flats in close proximity to Jannali station. This strategy has seen the Jannali pub to the rear of the car park redeveloped as a mixed use building with a height of 20 metres and FSR of 2:1. Several new residential flat buildings have been developed to the west of the station.

The Planning Proposal seeks to apply a 2:1 FSR to the car park site which is consistent with the density of development on adjoining land. The Planning Proposal also provides bonus floor space for the purposes of a commuter car park. The car park can be achieved largely underground and does not require any concession to the existing 20m building height limit. As such the development facilitated by the planning proposal will be consistent with the emerging built form in Jannali centre.

The retail and residential uses facilitated by the Planning Proposal are typical of a local centre and reflect what is permissible on adjoining land in the centre. The commuter car park is currently permissible.

There are single residential dwellings located to the north east in Charles Parade. The reliance on a perimeter access lane provides an appropriate degree of separation to these properties.

f) The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The site is well serviced by public infrastructure. However, the traffic analysis suggests that the signalisation and widening of the Railway Crescent/overpass is needed to accommodate the traffic generated by a mixed use building incorporating a commuter car park. As the need for this upgrade directly flows from the intensity of development, this cost should be borne by the development. It is recommended that Council seek that Woolworths and TfNSW meet the cost of the infrastructure upgrade.

Use of site specific Development Control Plan provisions:

Site Specific DCP provisions will be prepared to support the Planning Proposal and will include the following:

- An indicative site layout to require a perimeter access lane around the site, to maintain vehicle access to adjoining properties, to provide safe pedestrian access across the site, and to provide trees of scale that will screen the development from surrounding land.
- A public domain space opening to Box Road with minimum dimensions of 20metres by 20 metres
- Built Form and Design: Street setbacks and overshadowing standards.
- Landscape and Public Domain: Active Street Frontages

STATUTORY CONSIDERATIONS

Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979:

Local Planning Panels Direction – Planning Proposals – 27/09/2019

Under this Direction all planning proposal prepared after 01/06/2018 must be referred to the local planning panel for advice prior to the Councils decision on the planning proposal, unless the Councils general manager determines that the planning proposal relates to:

- a) The correction of an obvious error in the local environmental plan,*
- b) Matters that are of consequential, transitional, machinery or other minor nature, or*
- c) Matters that councils general manager considers will not have any significant adverse impact on the environmental or adjoining land.*

This site specific planning proposal does not meet the tests in (a) to (c) and therefore warrants referral to the Panel. This reports has been prepared to assist the panel in their advice to Council.

S117 and S9.1 Directions for Planning Proposal

The planning proposal has been assessed against all relevant Ministerial Directions and found to be generally consistent. The relevant directions have been listed below:

Direction 1.1 Business and Industrial Zones

The intent of this Direction is to encourage employment growth in suitable locations and support the viability of identified centres. This planning proposal will contribute to the revitalisation of the Jannali town centre and facilitate a commuter car park in close proximity to Jannali Train Station. Therefore, it is consistent with the direction.

Direction 2.6 Remediation of Contaminated Land:

The intent of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered as part of the planning process. Specifically, the direction states that the planning proposal authority must not include a particular zone that allows for residential, educational, recreational or childcare purpose unless they are satisfied that:

- a) the planning proposal authority has considered whether the land is contaminated, and
- b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated states (or will be suitable, after remediation) for all the purposes for which land in the land in the zone concerned is permitted to be used, and
- c) if the lands requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

Whilst the planning proposal does involve a zone that allows for a residential use, the contamination is currently being investigated and will be resolved prior to the land being used for that purpose. In the unlikely event that there is no solution to the contamination issue, the Planning Proposal would not proceed to be made.

Direction 3.4 Integrating Land Use and Transport:

The intent of this Direction is to ensure building forms improve access to jobs and services by walking, cycling and public transport. This Planning Proposal will facilitate the development of a commuter car park close to Jannali Train Station. Therefore, the proposal is consistent.

Direction 5.1 Implementation of Regional Plans:

This Direction applies to land to which a Regional Plan has been released by the Minister for Planning. The proposal aligns with the strategic priorities identified by the State Government and across Councils strategic documents including the LSPS.

Direction 6.3 Site Specific Provisions:

The intent of this Direction is to discourage unnecessarily restrictive site specific controls. The planning proposal does involve the implementation of site specific provisions. The amendment provides additional floor space for the purpose of a commuter car park. Therefore, is considered consistent as it encourages development rather than restricts.

Direction 7.1 Implementation of A Plan for Growing Sydney:

The intent of this Direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

The matters in the planning proposal do not trigger or conflict with the provisions of A Plan for Growing Sydney or any of the subsequent strategic plans for Greater Sydney.

State Environmental Planning Policies: The planning proposal has been assessed against all relevant State Environmental Planning Policies and found to be consistent.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 1—Development Standards	None. Does not apply to land under SSLEP2015.	NA
State Environmental Planning Policy No 19—Bushland in Urban Areas	None. Does not apply to land under SSLEP2015.	NA
State Environmental Planning Policy No 21—Caravan Parks	None. No specific relevance to this proposal.	NA
State Environmental Planning Policy No 33—Hazardous and Offensive Development	None. No specific relevance to hazardous and offensive development.	NA
State Environmental Planning Policy No 36—Manufactured Home Estates	None. Does not apply to land under SSLEP2015.	NA
State Environmental Planning Policy No 44—Koala Habitat Protection	None. Does not apply to land under SSLEP2015.	NA
State Environmental Planning Policy No 47—Moore Park Showground	None. Does not apply to land under SSLEP2015.	NA

State Environmental Planning Policy No 50—Canal Estate Development	None. No specific relevance to this proposal.	NA
State Environmental Planning Policy No 55—Remediation of Land	Site contamination is being investigated and will be fully remediated prior to construction.	
State Environmental Planning Policy No 64—Advertising and Signage	None. No specific relevance to this proposal.	NA
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	None. No provisions of the Planning Proposal affect development for the purposes of Residential Apartments. Residential flats will be permissible and will be subject to the SEPP and the Apartment Design Guide.	Yes
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	None. No provisions of the Planning Proposal affect development for the purposes of affordable housing.	NA
State Environmental Planning Policy (Affordable Rental Housing) 2009	None. No provisions of the Planning Proposal affect development for the purposes of affordable rental housing.	NA
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	This will be relevant and considered at Development Application Stage.	Yes
State Environmental Planning Policy (Coastal Management) 2018	None. Does not apply to the land under SSLEP2015.	NA
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	None. No provisions of the Planning Proposal affect development for the purposes of educational establishments or child care facilities.	NA
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	None. No provisions of the Planning Proposal affect exempt and complying development policy.	NA
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	None. No provisions of the Planning Proposal affect development for the purposes of housing for seniors or people with a disability.	NA

State Environmental Planning Policy (Infrastructure) 2007	The provisions are not inconsistent with this policy.	Yes
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PUBLIC PARTICIPATION

Formal public participation for a planning proposal can only occur once a Gateway Determination has been issued. Once the Gateway Determination has been issued consultation will take place in accordance with the requirements of the Determination.

DECLARATIONS OF AFFILIATIONS, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations / gifts in excess of \$1000, but does not apply to applications or requests made by a public authority on its own behalf. No declarations have been made in relation to this planning proposal.

CONCLUSION

Jannali is an attractive small centre that has many strategic advantages, yet it does not have a vibrant business centre. Many local residents choose to do their main shopping in Sutherland, Kirrawee or Kareela where modern supermarkets provide a higher level of service. Woolworths is seeking to capture this lost trade through the development of a full line supermarket in the centre however, this requires a larger site that Woolworths has been able to secure to date.

Council's car park at 42a Railway Crescent, Jannali represents an opportunity to create a new focus for the centre through being part of an integrated development with Woolworths. This can deliver an anchor use to the centre as well as an area of public domain opening to Box Road where residents can meet and strengthen social connections. Accommodating a 200 space commuter car park for TfNSW's and residential units as part of this development will bring further trade to local businesses, helping its revitalisation.

At present the planning framework does not support this outcome because the car park is zoned SP1 Car Park. Rezoning to B2 Local Centre, consistent with the adjoining land, is required to make shops and residential flats permissible. It is also recommended that the car park be given a FSR of 2:1 consistent with the B2 zone. However, a commuter car park would technically be considered gross floor area for the purposes of determining FSR and the scale of the car park is such that it would consume more than half of the recommended FSR. Given that the car park will be largely underground, a local provision excluding 200 car spaces from the calculation of floor space can be accommodated without compromising height and scale of the building.

The land uses and built form that would be facilitated by the Planning Proposal are entirely consistent with what would reasonably be expected in a local centre adjoining a railway station. The only substantive issues raised by the Planning Proposal are the implications for traffic generation and addressing land contamination. Traffic analysis demonstrates that traffic generation can be

accommodated with investment in local infrastructure. Necessary work can be better determined during the assessment of a subsequent Development Application and appropriate arrangements to fund the required works can be made with the applicant. Similarly, contamination will be able to be resolved because the site will be fully excavated. The scope of the required work will be known once the Contamination Management Plan is complete.

It is considered that the Planning Proposal has sufficient merit to warrant referral to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway Determination.

RESPONSIBLE MANAGER

The manager responsible for the preparation of this Report is the Manager Strategic Planning, Mark Carlon on 9710 0523.

File

Number:

2021/401979



Report of Meeting

Sutherland Shire Local Planning Panel

Tuesday, 4 May 2021

6.00pm

e-Meeting

SUTHERLANDSHIRE

SSLPP027-21 Planning Proposal Box Road Car Park Jannali
File Number: 2021/401979

PANEL DECISION:

The Panel considers that the Planning Proposal for the site at 42a Railway Crescent, Jannali which proposes to rezone the land from SP1 Car Park to B2 Local Centre, apply a floor space ratio of 2:1, and exclude the floor area associated with a 200 space commuter car park from the calculation of gross floor area has sufficient merit to warrant referral to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway determination.

REASONS FOR DECISION

Transport for NSW has made a commitment to deliver a 200 space commuter car park on the site of Council's retail and community car park at Box Road, Jannali (known as 42A Railway Crescent, Jannali) by 2024. It is Council's view that the Box Road property has strategic potential to help revitalise the centre because it can be combined with adjoining properties to realise an integrated development and provide a new focus for the centre.

The Panel agrees that, whilst Jannali is a small local centre, it has strategic advantages, but lacks a large supermarket and most residents choose to shop at the supermarkets at Sutherland, Kirrawee or Kareela. Accordingly it is Council's aim is to build on Jannali's strengths and create a focus where residents can shop and meet locally.

In essence the objectives of this Planning Proposal as described by Council's report are as follows:

- *To facilitate an integrated mixed use development that combines retail uses with residential units and a commuter car park;*
- *To improve the public domain of Box Road, Jannali so that it is a central focus for residents and the wider community; and*
- *To enhance the business environment of Jannali centre.*

At present the planning framework does not support this outcome because the car park is zoned SP1 Car Park. Rezoning to B2 Local Centre, consistent with the adjoining land, is required to make shops and residential flats permissible.

It is also recommended that the car park be given a FSR of 2:1 consistent with the B2 zone. Given that the car park will be largely underground, the Panel agrees that a local provision excluding 200 car spaces from the calculation of floor space can be accommodated without compromising height and scale of the building.

Whilst there are a number of options as to how the centre might be developed, the Panel agrees that the land uses and built form that would be facilitated by the Planning Proposal are entirely consistent with what would reasonably be expected in a local centre adjoining a railway station.

The substantive issues raised by the Panel regarding the Planning Proposal are the implications for traffic generation, the need to ensure that the level of parking provision related to the existing floor space of the centre is maintained, and whether it is possible to facilitate off peak use of the commuter car park by local shoppers.

The Community representative was also of the view that any street parking that is lost due to traffic management works required on nearby roads, should be included in the calculation of the car parking to be provided on the development site.

The majority of the Panel also questions the need or otherwise for three access points from Box Road, and emphasised the need to provide within any future development of the site, a substantial area of public domain, of a size commensurate with the future scale of development within the centre. The Panel was of a view that an area significantly larger than the 20m by 20m would be appropriate and that the public domain have clear visual and pedestrian access from Box Road.

The community representative however saw benefit in having the perimeter ground level laneway system in maintaining vehicle access to existing properties, providing a buffer to neighbouring development, maintaining fire separation and light and ventilation to buildings with openings currently abutting public land. The one way looping of two driveways off Box Road potentially eliminates the need for an onsite truck turning area.

A third access point for pedestrians only that aligns with the existing mid-block pedestrian crossing on Box Road is considered desirable.

Notwithstanding these comments, the Panel agrees with the Council assessment that the necessary work to determine the above can be better undertaken during the subsequent development application process. The Panel also believes that the relationship of any proposed built form with neighbouring built forms and existing and future trees needs careful consideration during the development application process.

The Panel also considers that appropriate arrangements be made early in the development application process to secure the funding arrangements for the required works, in particular the infrastructure upgrade of the railway bridge and associated intersections.

The Panel questioned the role of Council with regard to any future development of the site, given Council's ownership, and as to whether it will retain ownership. The Panel understands that this is a Council-led Planning Proposal, but advises that the role of Woolworths and Transport for NSW be more clearly defined.

The Panel agrees that contamination will be able to be resolved because the site will be substantially excavated, and that the scope of the required work will be known once the Contamination Management Plan is complete.

Subject to the comments made above, the Panel considers that the planning proposal is well founded, has both strategic and site specific merit, is consistent with the relevant State Environmental Planning Policies, and is generally consistent with the relevant Ministerial Directions.

Accordingly the Panel considers that the Planning Proposal has sufficient merit to warrant referral to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway Determination.

VOTES:

The decision was unanimous.

The Meeting closed at 6:30 pm