



# **Business Paper**

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## **Shire Strategic Planning Committee**

**Monday, 10 May 2021**

**To commence at the conclusion of the  
Extraordinary Council Meeting**

**Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

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**SUTHERLAND SHIRE**

## **ORDER OF BUSINESS**

- 1. OPENING OF MEETING AND WEBCAST STATEMENT**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
- 4. DISCLOSURES OF INTEREST**
- 5. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS**
- 6. PRESENTATIONS**
- 7. REPORTS FROM OFFICERS**
  - PLN014-21 Planning Proposal Box Road Car Park Jannali (pg 3)
  - PLN015-21 Planning Proposal for 13 Endeavour Road, Caringbah (pg 49)
  - PLN016-21 Frank Vickery Planning Proposal (pg 75)
  - PLN017-21 Sutherland Shire Gateways Update (pg 99)
  - PLN018-21 Menai Conservation Park Biobanking (pg 125)
- 8. QUESTIONS**
- 9. CONSIDERATION OF BUSINESS IN CLOSED SESSION**
- 10. CONFIDENTIAL REPORTS FROM OFFICERS**
  - NIL No confidential reports are being tabled.

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**PLN014-21      PLANNING PROPOSAL BOX ROAD CAR PARK JANNALI**

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PLN014-21

**Attachments:** Appendix A[1](#) and Appendix B[1](#)

In accordance with [section 375A](#), this matter requires a planning decision as it involves the exercise of a function of Council under the [Environmental Planning and Assessment Act 1979](#) relating an environmental planning instrument under that Act but does not relate to an order under Division 2A of Part 6 of that Act.

**EXECUTIVE SUMMARY**

- 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 create 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 Transport for NSW (TfNSW) and residential units as part of this development can bring further trade to local businesses, helping revitalise the centre.
- To facilitate this outcome the car park must be rezoned from SP1 Car Park to B2 Local Centre, consistent with the adjoining land. A floor space ratio (FSR) of 2:1, consistent with the adjoining B2 zone, is appropriate to control the scale of development.
- The TfNSW commuter car park would technically be considered gross floor area (GFA) for the purposes of determining FSR and would consume more than half of the recommended FSR. Given that the car park will be largely underground, bonus floor space can be given without compromising the height or 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 Planning Proposal aligns with the planning priorities of the South District Plan and the Local Strategic Planning Statement as it will help revitalise Jannali and improve the public domain, making it a more liveable centre. The commuter car park will meet an identified need and bring further business to the centre. As such it is recommended that the Planning Proposal be referred for Gateway Determination.
- TfNSW has stressed the importance of ensuring the timely processing of this matter. To help meet this request Council officers are collaborating with senior officers of the DPIE to identify and resolve any issues early in the process.
- In response to Council's resolution to seek assistance from the Minister for Planning and Public Spaces (COR005-21), the Deputy Secretary, Greater Sydney Place and Infrastructure, has confirmed NSW Department of Planning, Industry and Environment's (DPIE) commitment to work closely with Council to resolve any issues that could delay consideration of the Planning Proposal. The services of the Department's Planning Delivery Unit have been offered to work with State agencies, the proponent and Council to resolve issues so that decision can be made more promptly.

**REPORT RECOMMENDATION**

THAT:

1. The Planning Proposal which amends the Sutherland Shire Local Environmental Plan 2015 to rezone and amend the floor space ratio applying to the land at 42a Railway Crescent, Jannali (being Lot 15 DP31183, Part Lot C DP408761, Part Lot G DP411603, Lot J DP412142, Part Lot E DP415814, Lot 2 DP504416, Lot 1 DP506202, Lot 21 DP597416, Lot 1 DP1049519, Lot 2 DP1049519 and to Box Lane itself) and to add a Local Provision to provide bonus floor space for the purposes of commuter parking on the aforementioned land and also to 535 to 559 Box Road (being Lot 1 DP 504416, Lot 1 DP 506202, Lot H DP 412142, Lots 1 and 2 DP 201113, Lot D DP 415814, Lots A and B DP 408761 and to Box Lane itself) be referred to NSW Department of Planning Industry & Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, for Gateway Determination, subject to the following:
  - a. The site, 42a Railway Crescent be re-zoned B2 Local Centre, consistent with the surrounding B2 Local Centre zone.
  - b. The floor space ratio applying to 42a Railway Crescent be set at 2:1 consistent with the surrounding B2 Local Centre zone.
  - c. The bonus floor space provision be set to facilitate a commuter car park of up to 200 spaces provided by or on behalf of Transport for NSW.
  - d. Site specific DCP provisions being prepared to support the Planning Proposal which includes the following:
    - i. An indicative site layout to require a perimeter access lane around the 34a Railway Crescent, Jannali to maintain vehicle access to adjoining properties, to provide safe pedestrian access across the site, and to provide trees of scale to screen the development from surrounding land.
    - ii. A public domain space opening to Box Road with minimum dimensions of 20 metres by 20 metres.
2. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

## PURPOSE

The purpose of this report is to progress a Planning Proposal to amend Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) in order to facilitate the redevelopment of the Council owned car park at 42a Railway Crescent, Jannali as part of an integrated development with adjoining properties in Box Road, Jannali.

## BACKGROUND

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 nine 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 commit to allow it to build the commuter car park on the site of Council's retail and community car park at Box Road, Jannali (known as 42A Railway Crescent, Jannali). However, it is Council's view that the Box Road 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 interests of good place making and would do little to help business operators in the centre.

Woolworths own or control four properties that 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 benefit 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, which is the main street of the centre, and provide economic benefit 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 only the feasible option for a large multistorey computer car park in Jannali. This report is the first step in progressing a Planning Proposal to amend SSLEP2015 in order to facilitate an integrated design solution for the combined site.

## DISCUSSION

### The Site

Box Road is the primary retail strip in Jannali centre. It generally consists of single storey, traditional 1950-60's shop fronts. The footpaths were widened and paved in the early 2000's 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 6800<sup>2</sup> 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 527 Box Road. These properties currently gain rear access from the car park. Two properties, being 557 and 559 Box Road adjoining the car park but are located to the west of Box Lane. They currently enjoy benefit of rear access to the car park. Properties that have backed onto the car park have enjoyed access for many decades, 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 a pub at ground level and 89 units. This development was approved in 2015 and has a building height of 20m and a FSR of 2:1. A two storey, seven lot commercial strata building adjoins the car park and Beatrice Road at 40-42 Railway 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 single dwellings.

## **Existing and Proposed Planning Framework**

### ***Zoning***

An extract from the zoning map of 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 B2. Car park is a defined term in SSLEP2015 and is permissible with consent in the B2 zone.

The car park site 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.

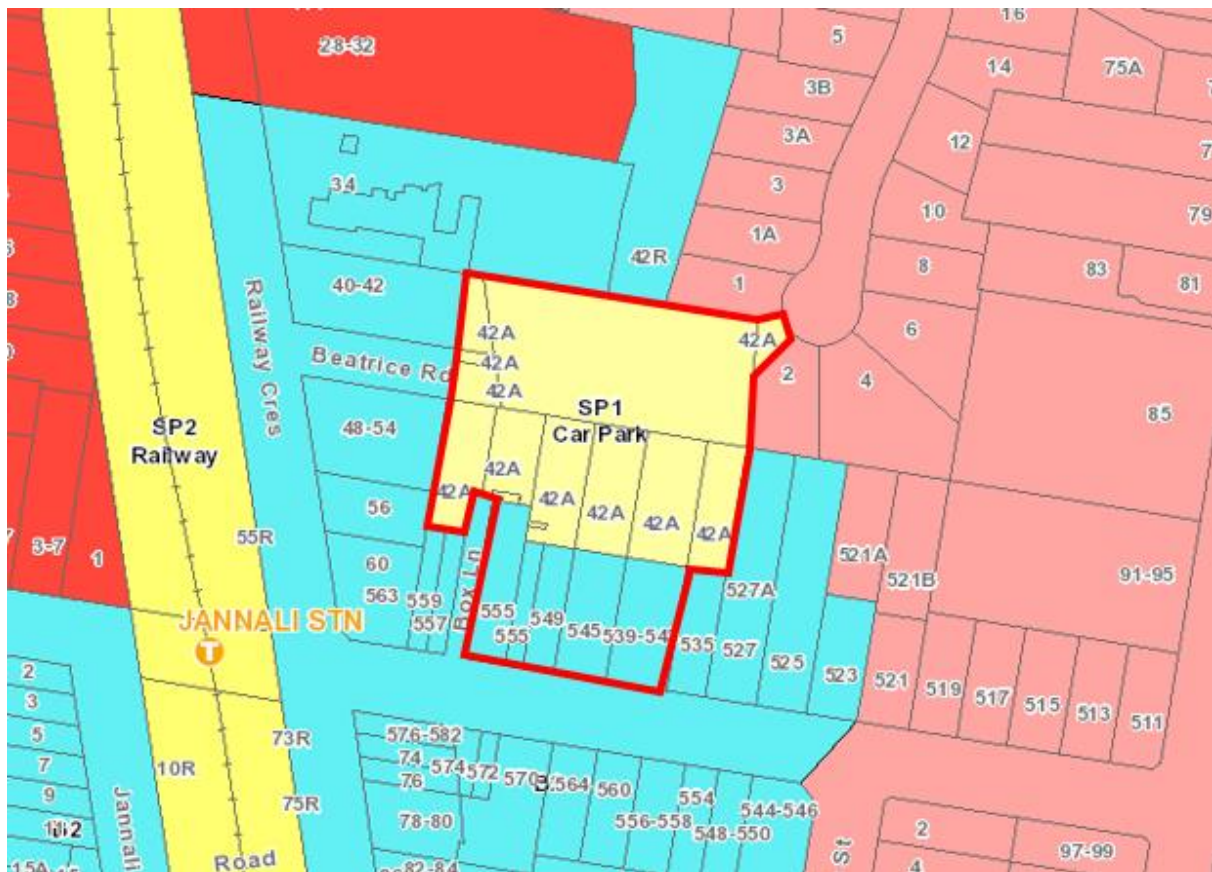


Figure 1: Zoning

### 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.



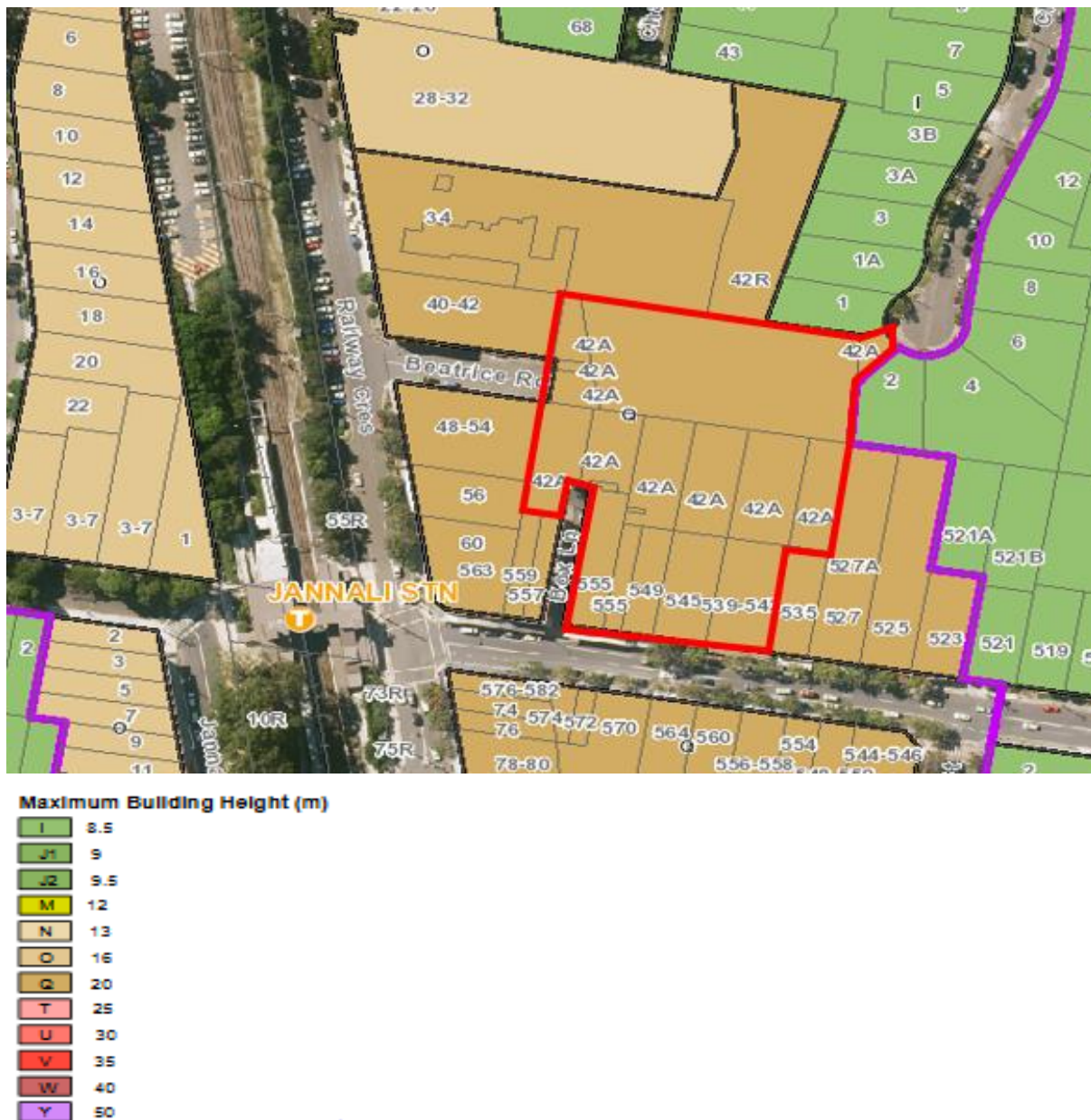
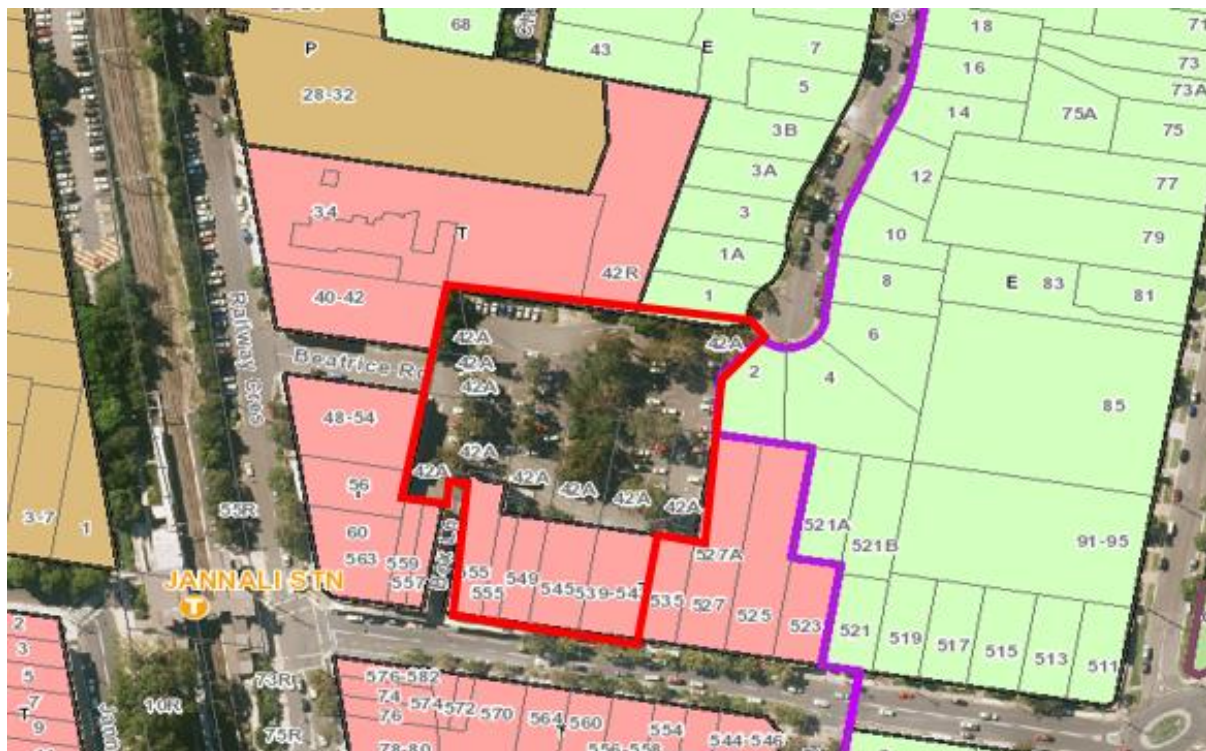


Figure 2: Height Map

### Floor Space Ratio (FSR)

An extract from the 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 essentially be unregulated. It is considered that this would create unreasonable uncertainty for surrounding residents and the wider community.





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

Figure 3: FSR Map

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 as that which 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.

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 a supermarket or retail premises where SSDCP2015 requires one space per 30m<sup>2</sup> 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 7,500m<sup>2</sup>. This represents a FSR of 1.1:1. If the car park is given a FSR of 2:1 consistent with the surrounding land, this would only leave only 0.9:1 for the retail component of the development 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 the 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 7,500m<sup>2</sup> 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 TfNSW. This clause would apply to the car park itself and the adjoining properties fronting Box Road.

As a general rule, regular shaped development sites are more efficient to accommodate parking layouts. The map extract below shows the property ownership of 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 is no adverse consequences for property owners of having the bonus clause apply to their land.

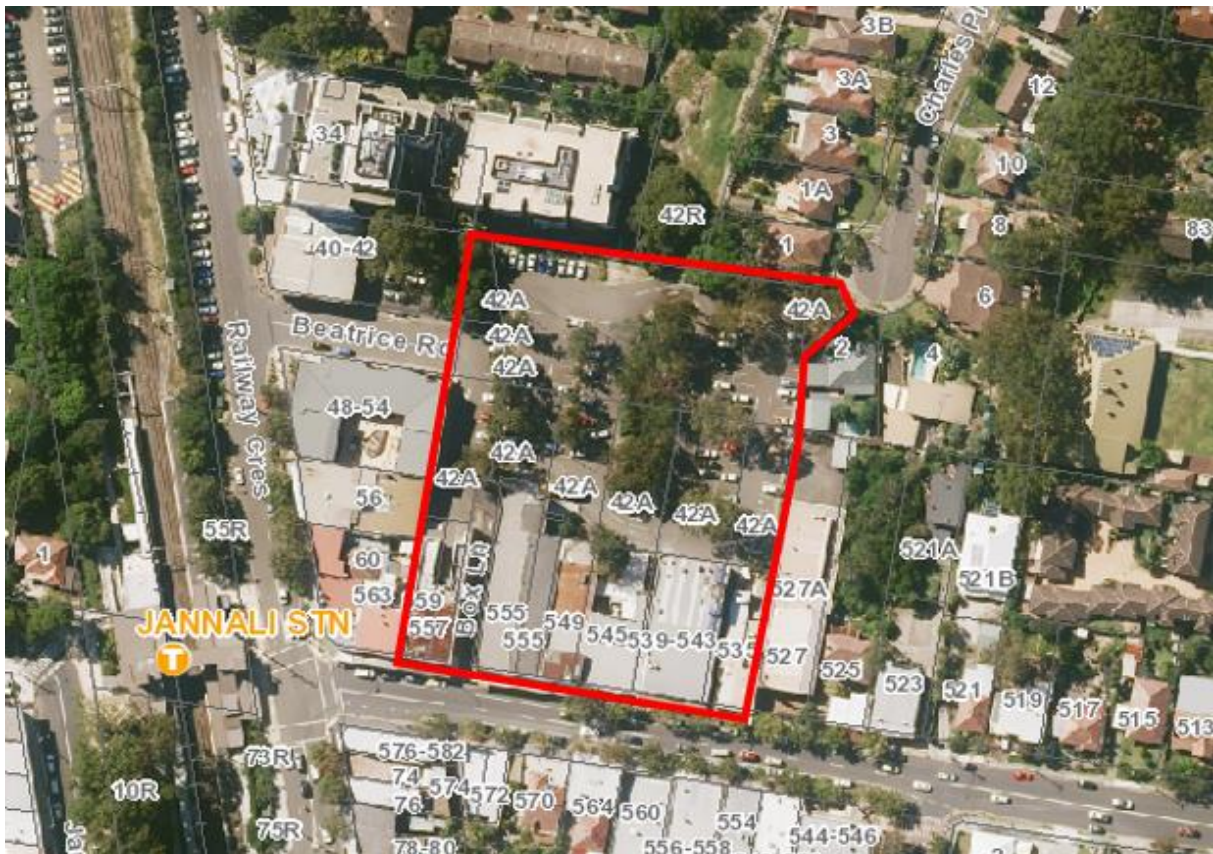


Figure 4: Application of bonus provision

### Intended Outcomes

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



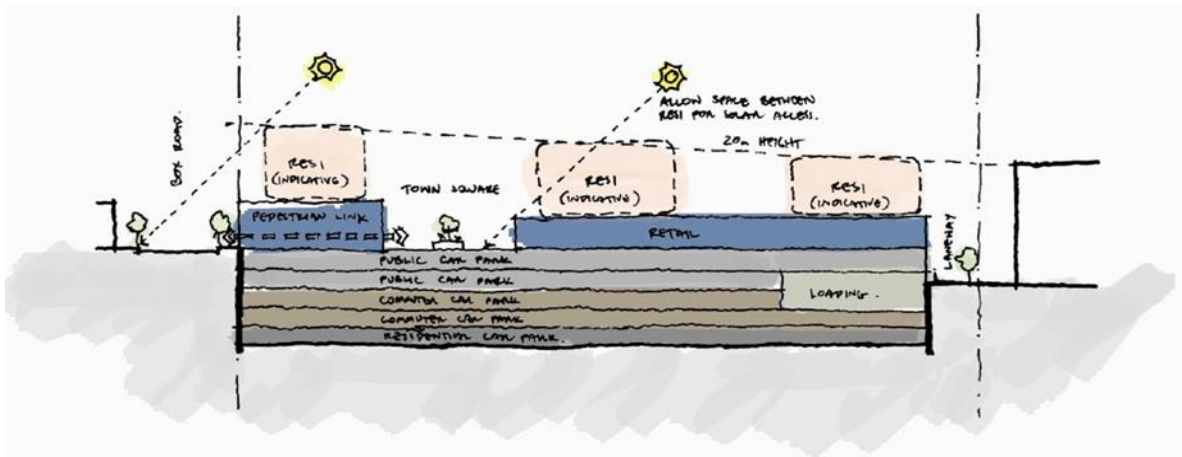
- To enhance the business environment of Jannali centre.

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. It is recommended that this access solution 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 will also require landscaping along the boundaries. Providing trees that can complement the scale of the proposed buildings will 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 and it is recommended that the DCP provisions require a more substantial opening of at least 20 metres by 20 metres. This space should also receive a reasonable degree of winter solar access.



Council 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 (3,750m<sup>2</sup>), some 800m<sup>2</sup> 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 staff formally requested a tender/quotation for an independent investigation which closed on 01 April 2021. Submissions are currently being reviewed and it is anticipated that a consultant will be appointed by 15 April 2021.

The successful 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.

The tender stated the works will have to begin within a few weeks of being appointed. Therefore, Council expects works to begin early May 2021 and a findings report by the end of June (7-8 weeks after commencing works). However, pending the findings further investigations may be required.

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 the 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 circumstances, such as an investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

This assessment is provided under the following subheadings:

**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 the 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 of 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 Merit**

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:

- the natural environment (including known significant environmental values, resources or hazards);
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and
- 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.

- a) **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.

- b) **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 located to the north east in Charles Parade. The reliance on a perimeter access lane provides an appropriate degree of separation to these properties.

**c) 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.

**Advice of the Sutherland Shire Local Planning Panel**

Planning Proposals are required to be referred to the Local Planning Panel for advice before it decides whether the proposal warrants referral for Gateway Determination. The Sutherland Shire Local Planning Panel will consider this matter on 4 May, 2021. Accordingly an addendum report detailing the advice of the Local Planning Panel will be provided to the Council meeting of 24 May, 2021.

**RESOURCING STRATEGY IMPLICATIONS**

Consideration of Planning Proposals and associated amendment Council's planning framework is conducted within the existing budget and resources of the Strategic Planning Unit. Planning Proposal fees offset these costs.

**COMMUNITY ENGAGEMENT**

No community engagement has yet been undertaken. Council cannot formally exhibit the planning proposal until it receives a Gateway Determination which will also provide the minimum requirements for the exhibition. Community engagement is expected to include:

- Public exhibition of the planning proposal on Council's Join the Conversation website for 28 days with the opportunity for members of the public to prepare submissions in response.

- Publication of an advertisement in a local newspaper prior to the exhibition commencing.
- Exhibition of the planning proposal and supporting documentation at the Sutherland Shire Council Administration Building.
- Notification letters will be distributed to the owners of neighbouring properties.

## STRATEGIC ALIGNMENT

This report contributes to the delivery of Our Community Plan - Outcome 6 “A liveable place with a high quality of life”. It specifically delivers on the following:

Delivery Program (2017-2022) Deliverables	Operational Plan 2020/21
6C Support enhanced housing diversity, accessibility and affordability to meet the diverse needs of the community	N/A

## POLICY AND LEGISLATIVE REQUIREMENTS

The Environmental Planning and Assessment Act sets the legislative framework for making amendments to the Local Environmental Plan. The statutory process will be strictly adhered to.

Council is required to submit all Planning Proposals for a Gateway Determination before placing them on public exhibition. A Ministerial Direction requires that Local Planning Panels must provide advice to Council on the merits of a Planning Proposal before a decision is made as to whether it is to be submitted for Gateway Determination.

TfNSW has stressed the importance of ensuring the timely processing of this matter. To help meet this request Council officers are collaborating with senior officers of the DPIE to identify and resolve any issues early in the process.

Council resolved to write to the Minister for Planning and Public Spaces, the Hon. Rob Stokes MP seeking assistance to ensure the appropriate prioritisation and timely progression of this key initiative (COR005-21). In response the Deputy Secretary, Greater Sydney Place and Infrastructure, has written to the Mayor confirming DPIE's commitment to work closely with Council to resolve any issues that could delay consideration of the Planning Proposal. This letter forms attachment B. The Deputy Secretary has offered the services of the Department's Planning Delivery Unit to work with State agencies, the proponent and Council to resolve issues so that decision can be made more promptly. This commitment will help achieve the timetable set by TfNSW. The correspondence stresses that like any Planning Proposal, it is important that there is appropriate evidence to support the strategic and site specific merit of the rezoning.

## 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, bonus floor space can be given without compromising height or 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.

At this stage the decision before Council is whether the Planning Proposal has sufficient merit to proceed to public exhibition. It is considered that the Planning Proposal aligns with the planning priorities of the South District Plan and the Local Strategic Planning Statement. It has site specific merit as it will help revitalise Jannali and improve the public domain, making it a more liveable centre. The commuter car park will meet an identified need and bring further business to the centre. As such it is recommended that the Planning Proposal be referred to the DPIE for Gateway Determination.

#### **RESPONSIBLE MANAGER**

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

File Number: 2021/401979



# **Business Paper**

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## **Council Meeting**

**Monday, 24 May 2021**

**6:30pm**

**Council Chambers,  
Level 2, Administration Building,  
4-20 Eton Street, Sutherland**

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**SUTHERLAND SHIRE**

**ORDER OF BUSINESS****1. OPENING OF MEETING AND WEBCAST STATEMENT****2. ACKNOWLEDGEMENT OF COUNTRY****3. OPENING PRAYER / RELIGIOUS OBSERVANCE****4. APOLOGIES****5. DISCLOSURES OF INTEREST****6. PUBLIC FORUM****7. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS****8. MAYORAL MINUTES**

MM010-21      Mayoral Minute - Vale Professor Alberto Albani (pg 4)

**9. REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE HELD ON 10 MAY 2021**

GOV020-21      Compliance and Enforcement Policy - Post Public Exhibition (pg 6)

GOV021-21      Quarterly Budget Review - March 2021 (pg 7)

GOV022-21      Tabling of Disclosures of Interest and Other Matters in Written Returns (pg 8)

**10. REPORTS OF THE SHIRE SERVICES COMMITTEE HELD ON 10 MAY 2021**

SER009-21      Draft Public Art Policy (pg 9)

SER010-21      Proposed Release of Easement - 36 Georges River Crescent, Oyster Bay (pg 10)

SER011-21      Proposed Release and Relocation of Easement - 41-51 President Ave,  
Caringbah and 178-186 Willarong Road, Caringbah (pg 11)

SER012-21      Outcome of Community Consultation on the Proposed Road Closure and Sale –  
Adjacent 76-86 Port Hacking Road, Sylvania (pg 12)

SER013-21      Sutherland Shire Literary Competition Sub-Committee Charter Update (pg 13)

**11. REPORTS OF THE SHIRE INFRASTRUCTURE AND PUBLIC DOMAIN COMMITTEE HELD ON 10 MAY 2021**

INF008-21      Proposed Dog Off Leash Park for the Engadine and Heathcote Area (pg 14)

INF009-21      Draft Plan of Management for Crown Reserves (pg 15)

**12. REPORTS OF THE SHIRE STRATEGIC PLANNING COMMITTEE HELD ON 10 MAY 2021**

- PLN014-21 Planning Proposal Box Road Car Park Jannali (pg 16)
- PLN015-21 Planning Proposal for 13 Endeavour Road, Caringbah (pg 18)
- PLN016-21 Frank Vickery Planning Proposal (pg 20)
- PLN017-21 Sutherland Shire Gateways Update (pg 22)
- PLN018-21 Menai Conservation Park Biobanking (pg 23)

**13. REPORTS FROM OFFICERS**

- COR014-21 Sutherland to Cronulla Active Transport Link Stage 2 Submission (pg 24)
- COR015-21 Addendum Report: Planning Proposal Box Road, Jannali (pg 41)
- COR016-21 Monthly Investment Report - April 2021 (pg 48)
- COR017-21 Report and Minutes of the Meetings of the Sutherland Traffic and Traffic Safety Committee and Consultative Traffic Forum held on 7 May 2021 (pg 62)

**14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

- MOT006-21 GyMEA Bay Baths Reserve (pg 72)
- MOT007-21 Median Strips on State Roads (pg 73)

**15. PRESENTATION OF PETITIONS****16. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

- NIL No questions, for which notice has been given, have been received.

**17. CONSIDERATION OF BUSINESS IN CLOSED SESSION****18. CONFIDENTIAL REPORTS FROM OFFICERS**

- COR004A-21 Marang Parklands 330 Captain Cook Drive Kurnell - Breen Resources Voluntary Planning Agreement Offer  
(to be published under separate cover)

**COR015-21      ADDENDUM REPORT: PLANNING PROPOSAL BOX ROAD, JANNALI****COR015-21****Attachments:** Appendix A [A](#)

In accordance with section 375A, this matter requires a planning decision as it involves the exercise of a function of Council under the *Environmental Planning and Assessment Act 1979* relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act but does not relate to an order under Division 2A of Part 6 of that Act.

**EXECUTIVE SUMMARY**

- On 10 May 2021, the Shire Strategic Planning Committee considered the merits of a Planning Proposal for the Box Road Car Park at Jannali (PLN014-21). The report advised Council it must consider the advice of the Sutherland Shire Local Planning Panel (SSLPP) before it decides whether the proposal warrants referral for Gateway Determination.
- The Sutherland Shire Local Planning Panel considered this matter on 04 May 2021. Accordingly this addendum report details the advice of the Panel. The minutes of the meeting are attached at Appendix A.
- The Panel has concluded that the Planning Proposal has both strategic merit and site specific merit and supports its referral to Department of Planning, Industry and Environment (DPIE) for Gateway Determination.
- The Panel's decision also includes advice in relation to how Development Control Plan (DCP) provisions could support improved outcomes. These comments will be taken into consideration as part of the preparation of site specific provisions.

**REPORT RECOMMENDATION**

THAT:

The advice of the Sutherland Shire Planning Panel in relation to the Planning Proposal for 42a Railway Crescent, Jannali, be received and noted.

**PURPOSE**

The report is an addendum to PLN014-21 and details the advice of the Sutherland Shire Local Planning Panel in relation to this matter.

**BACKGROUND**

The Shire Strategic Planning Committee considered report PLN014-21 on 10 May 2021, which proposed to amend the Sutherland Shire Local Environmental Plan 2015, in order to facilitate the redevelopment of the Council owned car park at 42a Railway Crescent, Jannali as part of an integrated development with adjoining properties in Box Road, Jannali. A Section 9.1 Direction issued by the Minister for Planning on 27 September 2018, requires all Planning Proposals to be referred to a Local Planning Panel for advice before Council determines whether a Planning Proposal should be referred to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination.

**DISCUSSION**

The Sutherland Shire Local Planning Panel considered this matter on 04 May 2021 and their advice is attached at Appendix A. The Panel unanimously agreed 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. The Panel has advised Council that it has sufficient strategic merit to warrant referral to the Minister for Planning for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. The Panel found that while there are a number of options as to how the centre might be developed, 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 were implications for traffic generation, the need to ensure that the level of parking provision relative 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. These are issues that Council can take into consideration as plans for the site progress.

The Panel also questioned the merits of elements of the indicative layout, particularly whether the number of access points to Box Road is appropriate or at the expense of better public domain outcomes. The Panel supported the concept of including an area of public domain to Box Road, but was of the view that an area significantly larger than 20 metres by 20 metres would be appropriate. A third access point for pedestrians only that aligns with the existing mid-block pedestrian crossing on Box Road was considered desirable. The Panel found that the relationship of any proposed built form with neighbouring properties and existing and future trees needs careful consideration during the development application process. However, the Panel concluded that the necessary work to resolve these issues can be better undertaken during design development and the subsequent development application process.



**RESOURCING STRATEGY IMPLICATIONS**

Consideration of Planning Proposal and associated amendment Councils planning framework is conducted within the existing budget and resources of the Strategic Planning Unit.

**COMMUNITY ENGAGEMENT**

Community engagement has yet been undertaken. Council cannot formally exhibit the planning proposal until it received a Gateway Determination which will also provide the minimum requirements for exhibition.

**STRATEGIC ALIGNMENT**

This report contributes to the delivery of Our Community Plan - Outcome 6 "A liveable place with a high quality of life". It specifically delivers on the following:

Delivery Program (2017-2022) Deliverables	Operational Plan 2020/21
6C Support enhanced housing diversity, accessibility and affordability to meet the diverse needs of the community	N/A

**POLICY AND LEGISLATIVE REQUIREMENTS**

The Environmental Planning and Assessment Act sets the legislative framework for making amendments to the Local Environmental Plans. The statutory process will be strictly adhered to.

Council is required to submit all Planning Proposals to a Local Planning Panel for before a decision is made as to whether it is to be submitted for Gateway Determination. The subject Planning Proposal was considered by the Local Planning Panel on 04 May 2021 and the minutes are attached at Appendix A.

**CONCLUSION**

The Local Planning Panel has considered the Planning Proposal and found that it has sufficient strategic merit and site specific merit to warrant its referral to DPIE for Gateway Determination. The substantive issues that it has raised are matters that can be addressed through the appropriate DCP provisions and through design development.

**RESPONSIBLE MANAGER**

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

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