



IRF21/2308

## Gateway determination report – PP-2021-3838

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42A Railway Crescent, 535-559 Box Road and Box Lane, Jannali (approximately 150 dwellings, 4800sqm retail floor space and 200 commuter car spaces)

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal (Sutherland Shire Council)
Sutherland Shire Local Planning Panel Minutes
Traffic Impact Assessment (CBRK)

# 1 Introduction

## 1.1 Overview of planning proposal

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Waverley</b>
<b>PPA</b>	Sutherland Shire Council
<b>NAME</b>	Planning proposal to amend Sutherland Shire LEP 2015 to rezone land at 42A Railway Crescent, 535-559 Box Road and Box Lane, Jannali (approximately 150 dwellings, 3750m <sup>2</sup> supermarket floor space, 800m <sup>2</sup> of specialty retail floor space and 200 commuter car spaces in association with Transport for NSW)
<b>NUMBER</b>	PP-2021-3838
<b>LEP TO BE AMENDED</b>	Sutherland Shire Local Environmental Plan (LEP) 2015
<b>ADDRESS</b>	42A Railway Crescent, Jannali 535-559 Box Road, Jannali Box Lane
<b>DESCRIPTION</b>	<p>Council's Car Park 42A Railway Crescent, Jannali:</p> <ul style="list-style-type: none"> <li>- Lot 15 DP 31183</li> <li>- Part Lot C DP 408761</li> <li>- Part Lot G DP 411603</li> <li>- Lot J DP 412142</li> <li>- Part Lot E DP 415814</li> <li>- Lot 2 DP 504416</li> <li>- Lot 1 DP 506202</li> <li>- Lot 21 DP 597416</li> <li>- Lot 1 DP 1049519</li> <li>- Lot 2 DP 1049519</li> </ul> <p>Land Zoned B2 Local Centre at 535-559 Box Road:</p> <ul style="list-style-type: none"> <li>- Lot 1 DP 504416</li> <li>- Lot 1 DP 506202</li> <li>- Lot H DP 412142</li> <li>- Lots 1 &amp; 2 DP 201113</li> <li>- Lot D DP 415814</li> <li>- Lots A &amp; B DP 408761</li> </ul> <p>Box Lane</p>
<b>RECEIVED</b>	01/06/21

<b>FILE NO.</b>	EF21/6675
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Site description and surrounding area

The properties that are the subject of this planning proposal are at 42A Railway Crescent, 535-559 Box Road and a current laneway known as Box Lane. These properties comprise an existing Council car park, individual shops/business and a small laneway providing access from Box Road to Council's car park at 42A Railway Crescent.

42A Railway Crescent is currently used as a Council car park and is approximately 6,800m<sup>2</sup> in size. The car park's primary access point is from Beatrice Road to the west which 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. 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.

535-559 Box Road consists of a number of single storey, traditional 1950s-60s shop fronts fronting Box Road. Seven of these properties, being 527 to 555 Box Road, are located to the east of Box Lane. 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.

The site is within the Jannali centre which includes a railway station, low scale retail and commercial uses in the vicinity of the site. 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 which has a surface car park adjoining the public car park. Low density residential dwellings neighbour the site to the north east which are accessed from Charles Place.





**Table 3 Current and Proposed controls**

Control	Site	Current	Proposed
Zoning	42A Railway Crescent (Council Car Park)	SP1 Car Park	B2 Local Centre
Zoning	Box Lane	B2 Local Centre	B2 Local Centre (no change)
Zoning	535-559 Box Road	B2 Local Centre	B2 Local Centre (no change)
Maximum height of building	All properties	20m	20m
Floor Space Ratio	42A Railway Crescent (Council Car Park)	NIL	2:1
Floor Space Ratio	Box Lane	NIL	2:1
Floor Space Ratio	535-559 Box Road	2:1	2:1 (no change)
Number of dwellings	Whole site	NIL	150
Number of jobs	Whole site	Unknown	During Construction – Approximately 222 jobs  Once constructed – Approximately 155 direct jobs and 63 indirect jobs
Floor space ratio Clause 2A	Whole site	Subclauses (a)-(f)	Subclause (g)  - 7,500m <sup>2</sup> Commuter Car Park excluded from GFA calculations if provided by or on behalf of TfNSW





**Figure 2:** Map showing location of proposed rezoning/FSR introduction and overall area subject to proposed local provision to exclude intended commuter car parking from overall GFA calculation (Source: Planning Proposal)

The concept design scheme (**Figure 2**) that informs the proposed controls will be discussed in section 4 – site specific assessment of this report. The concept outlines an integrated mixed-use development comprising two levels of commuter car parking, two/three levels of retail car parking and a super-market to act as an anchor use with additional retail and residential uses above.



**Figure 3:** Concept design scheme, bird's eye view looking north (source: Sutherland Shire Council)

## 1.5 Mapping

The planning proposal includes mapping changes to the floor space ratio and land zoning maps.



**Figure 4:** Current land zoning map



**Figure 5:** Proposed amendment to land zoning map





Figure 6: Current floor space ratio map



Figure 8: Proposed floor space ratio map

## 2 Need for the planning proposal

The planning proposal is not the direct result of a local strategic planning statement or specific planning study.

The planning proposal has been prepared in response to commitment by the NSW Government for the delivery of a 200-space commuter car park at Jannali by 2024. Council considers the proposal has the potential to help revitalise Jannali by combining Council's car park with adjoining properties to realise an integrated development that can provide a new focus for the centre.

A planning proposal is the best means to deliver the intended outcomes as it will provide the mechanism to facilitate a mixed-use development as part of a future development assessment.

## 3 Strategic assessment

### 3.1 District Plan

The site is in the South District and the Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
Planning Priority S1: Planning for a city supported by infrastructure	The planning proposal will provide the opportunity additional housing and retail floor space within proximity to Jannali station, which will help optimise the existing public transport infrastructure. This directly aligns with Action 1 <i>Prioritise infrastructure investments to support the vision of A Metropolis of Three Cities</i> .
Planning Priority S4: Fostering healthy creative, culturally rich and socially connected communities	<p>The planning proposal seeks to facilitate the delivery of a mixed-use development comprising commuter car parking, retail including a supermarket, residential apartments and public space.</p> <p>This will assist in the revitalisation and activation of Jannali town centre which will encourage greater levels of social interaction for residents. The proposed commuter car park aligns with Action 10(b) <i>prioritising opportunities for people to walk, cycle and use public transport</i> as providing extra parking spaces in proximity to the train station will encourage more people to use public transport in favour of using private transport.</p>
Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	The planning proposal intends to locate new dwellings with mixed uses on the same site, within walking distance to public transport (rail and bus) and near existing jobs and services. The proposal will deliver housing supply and choice with a mix of apartment types, in a location that optimises existing transport infrastructure and services.

Planning Priority S6: Creating and renewing great places and local centres and respecting the District's heritage	<p>The District Plan identifies Jannali as a 'local centre'. Where local centres include public transport and transport interchanges, they are an important part of a 30-minute city.</p> <p>The planning proposal intends to facilitate a central location for residents to access day to day needs such as retail shopping, access to public transport and a public space. This planning proposal aligns with Action 18 <i>using a place-based and collaborative approach throughout planning, design, development and management, deliver great places</i> as it prioritises a people-friendly public realm and open space and by reducing the need for on-street parking will help to balance the use of streets as a place for people and movement. This planning proposal also aligns with Action 19 as it ensures parking availability considers the level of access by public transport.</p>
Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city	The planning proposal will enable development of a mixed-use precinct adjacent to Jannali Station. Future residents will be located close to the jobs and services in Jannali and within 30 minutes of larger employment hubs.
Planning Priority S15: Increasing urban tree canopy cover and delivering Green Grid connections	<p>The planning proposal outlines that perimeter planting will be required to create a sensitive transition from the development site to the surrounding residential areas and to compensate for any loss of tree removal.</p> <p>The planning proposal states that a DCP will be prepared for the site including landscaping and public domain controls which can further expand on these requirements.</p>
Planning Priority S16: Delivery high quality open space	The planning proposal outlines the intention to create a 30m x 20m public space on the site. The planning proposal states that this requirement will be specified as part of a future DCP for the site.

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning statement assessment**

Local Strategic Planning Statement Priorities	Justification
Planning Priority 1: Align planning to existing infrastructure	The planning proposal intends to enhance the use of Jannali Station by facilitating a future commuter car park which will reduce reliance on existing street parking. This aligns with Action 1.1 <i>Land use planning will consider the capacity of existing infrastructure, committed improvements and will forecast demand from the current population growth trends</i> of the LSPS.
Planning Priority 2: Managing traffic	The proposal seeks to facilitate increased capacity for commuter car parking associated with Jannali train station which should promote greater use of public transport. Reduced reliance on on-street parking surrounding the train station also

congestion and parking	has the potential to improve the amenity of the area. This aligns with Action 2.5 <i>Investigate options to provide additional public parking in and around centres of the LSPS.</i>
Planning Priority 9: Community connections	Whilst the planning proposal does not implement any of the specific planning actions listed in Planning Priority 9, it has the potential to revitalise and activate the Jannali town centre. The intended public domain and increased retail offerings can service the day to day needs of residents and reduce the need to travel to surrounding centres. This will also provide opportunities for casual meetings and events to strengthen community connections.
Planning Priority 10: Provide our community with housing choice by making available opportunities for a range of housing sizes and types within each community	The planning proposal intends to locate new dwellings with mixed uses on the same site, within walking distance to public transport and in proximity to jobs and services. The proposal will deliver housing supply with a mix of apartment types, in a location that optimises existing transport infrastructure and services.
Planning Priority 11: Attractive and distinctive centres and public spaces	<p>The planning proposal provides the potential to activate the Jannali centre and make it a more attractive option for Jannali residents which will reduce the need to travel to surrounding centres.</p> <p>The intended development will create a central location for residents to access day to day needs such as retail shopping, access to public transport and a public space. The planning proposal specifically aligns with Action 11.2 <i>Collaborate with Transport for NSW to implement the Movement and Place Framework in centres</i> as the commuter car park will encourage the community to use public transport and reduce reliance on private transport.</p>
Planning Priority 16: Connected transport networks	<p>The planning proposal gives effect to Planning Priority 16 including:</p> <p><i>Action 16.1 - Support improved connections and connectivity between and within the centres, including opportunities and facilities for walking and cycling, local buses and on-demand transport services.</i></p> <p>The intended 200 space commuter car park can assist in encouraging more people to use public transport and reduce congestion and reliance on private modes of transportation. This will help to create greater connectivity between centres as more people will be inclined to use the train.</p>
Planning Priority 20: Urban Tree Canopy	<p>The planning proposal outlines that perimeter planting will be required to create a sensitive transition from the development site to the surrounding residential areas and to compensate for any loss of tree removal.</p> <p>The planning proposal states that a DCP will be prepared for the site including landscaping and public domain controls which can further expand on these requirements.</p>

**Table 7 Other local strategies**

Other Local Strategies	Justification
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Community Strategic Plan (CSP)	<p>This Planning Proposal aligns with the following actions outlined in the Sutherland Shire Community Strategic Plan:</p> <p>5.1.1 <i>Develop vibrant, productive local centres</i></p> <p>5.1.2 <i>Support our growing business community by reducing barriers to growth where possible</i></p> <p>6.1.1 <i>Plan, advocate and provide effective transport networks</i></p> <p>6.1.2 <i>Explore and implement better integration of transport networks</i></p>
Sutherland Shire Local Housing Strategy	<p>The Sutherland Local Housing Strategy was adopted by Council in December 2020. The Local Housing Strategy was endorsed by the Department 11 June 2021.</p> <p>The proposal is consistent with this strategy as it seeks to provide capacity for residential dwellings as part of a mixed-use development in an accessible area in proximity to services, public open space and transport infrastructure.</p> <p>One of the key strategies listed in the LHS is to raise FSR controls in centres to increase residential flat building construction and increase dwelling density. The proposed amendments to the LEP align with this intent.</p>

### 3.3 Local Planning Panel (LPP) and Council Recommendation

#### Sutherland Local Planning Panel

On 4 May 2021, the Sutherland Shire LPP reviewed the planning proposal for 42A Railway Crescent, Jannali. The Panel stated that:

*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.*

The Panel raised some concerns with the size of the public space being offered outlining that 20m x 20m was not sufficient for a proposal of this size. The Panel also raised concerns about the additional traffic generated by a proposal of this size and the Panel recommended that provisions should be put in place to allow the commuter car park to be used by shoppers in off-peak periods. Despite these comments, the Panel recognised that these issues could be decided as part of a future development application.

#### Council meeting

On 24 May 2021 the planning proposal was considered at a Sutherland Shire Council Meeting where it resolved to support the submission of the planning proposal for Gateway assessment. The planning proposal was supported without amendment and was lodged for Gateway on 1 June 2021.

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:



Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Consistent	<p>This Direction aims to encourage employment growth and protect industrial and employment lands. This direction applies to the planning proposal as it proposes to rezone land to B2 Local Centre.</p> <p>The planning proposal will provide the potential for additional employment opportunities with an increase in the availability of retail and commercial floor space.</p>
2.6 Remediation of Contaminated Land	Unresolved	<p>This Direction aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The planning proposal outlines the likely presence of PCE (Perchloroethylene) and TCE (Trichloroethylene) on the site. The planning proposal does not currently adequately address clause 4(b) of the direction which requires confirmation that the site is suitable in its contaminated state (or will be made suitable after remediation) for all the purposes for which the land in the zone is permitted to be used. The planning proposal outlines that an independent contamination investigation of the site has been commissioned.</p> <p>A Gateway condition is recommended to require contamination assessment to be undertaken to address the requirements of this Direction.</p>
3.1 Residential zones	Consistent	<p>This Direction aims to encourage housing choice, make efficient use of infrastructure and services and minimise the impact of residential development on environment and resource lands.</p> <p>The planning proposal seeks to allow for additional residential floor space that will assist in broadening housing choice opportunities.</p> <p>The location is in proximity to a range of services and existing infrastructure. Therefore, the proposal will make efficient use of the existing infrastructure and services.</p>
3.4 Integrated Land Use and Transport	Consistent	<p>This Direction requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>The proposal is consistent with this direction as it will facilitate increased density through residential and commercial development in a location close to public transport. The site is in a local centre and is located near to services, schools and public transport. The site's accessibility to public transport and the proposed 200 space commuter car park satisfies the objectives of the direction as it seeks to reduce dependence on cars and encourage public transport use.</p>

6.3 Site Specific Provisions	Consistent	<p>This Direction aims to discourage unnecessarily restrictive site-specific planning controls. This direction applies to the planning proposal as it seeks to implement an additional specific provision.</p> <p>The proposed additional provision does not restrict any forms of development, rather it promotes the development of a car park to be used by train commuters by providing additional floor space for the development.</p>
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### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Proposal
SEPP No 65 – Design Quality of Residential Apartment Buildings	SEPP 65 is relevant as the proposal includes a concept design for a mixed-use development of over 3 storeys and more than 4 dwellings. Whilst specific design details will be assessed as part of any future development application, it is relevant to consider the design principles of this SEPP and its relationship to the Apartment Design Guide (ADG)	<p>The SEPP includes a number of design principles that are required to be considered as part of any future DA for a mixed-use development that has a residential component.</p> <p>The planning proposal states that analysis has been undertaken to demonstrate that relevant ADG requirements can be met and that the proposal will provide a reasonable area of public domain with solar access provision.</p> <p>This information has not been provided with the documentation. Therefore, a Gateway condition is included requiring the planning proposal to be updated to address relevant requirements of SEPP 65 and the ADG.</p>
SEPP (Infrastructure) 2007	Aims to facilitate effective delivery of infrastructure. Identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure.	<p>The planning proposal seeks to facilitate development that is classified as traffic generating development and therefore consultation with TfNSW will be required as part of any future development assessment.</p> <p>A Gateway condition is included to also require consultation with TfNSW as part of this planning proposal.</p>

## 4 Site-specific assessment

### 4.1 Environmental

#### Critical habits and threatened species

There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject site. There are no likely environmental impacts that would arise as a result of the planning proposal.

#### Contamination

As discussed, the planning proposal does not currently adequately address contamination matters. A Gateway condition is recommended requiring a contamination report be prepared prior to community consultation occurring.

#### Urban Design

A concept design has been provided with the planning proposal, which depicts a mixed-use development five storeys in height (**Figures 9 and 10**). The buildings comprise a mix of ground floor public car park, first floor retail/commercial with apartments above. The concept scheme illustrates built form heights reaching a maximum 5 storeys across the site from Box Road in the south to Charles Place in the north of the site. The concept scheme also indicates a two storey podium with upper levels setbacks (at third level) on the proposed building fronting Box Road.

The adjoining site at 34 Railway Crescent is a recently constructed development that is subject to the same zoning, height and FSR standards sought under the subject planning proposal. This six storey mixed use development, provides some context to the scale of development envisaged for the town centre and is in keeping with the scale of development sought to be facilitated through the subject planning proposal.

In essence, the planning proposal does not seek to amend the existing permissible height limit that applies to the site. The introduction of a FSR to the existing car park site will match the existing permissible FSR for the remainder of the town centre. The scale of development that is envisaged with this planning proposal is in keeping with the expectations of the town centre and will provide certainty for its future density.

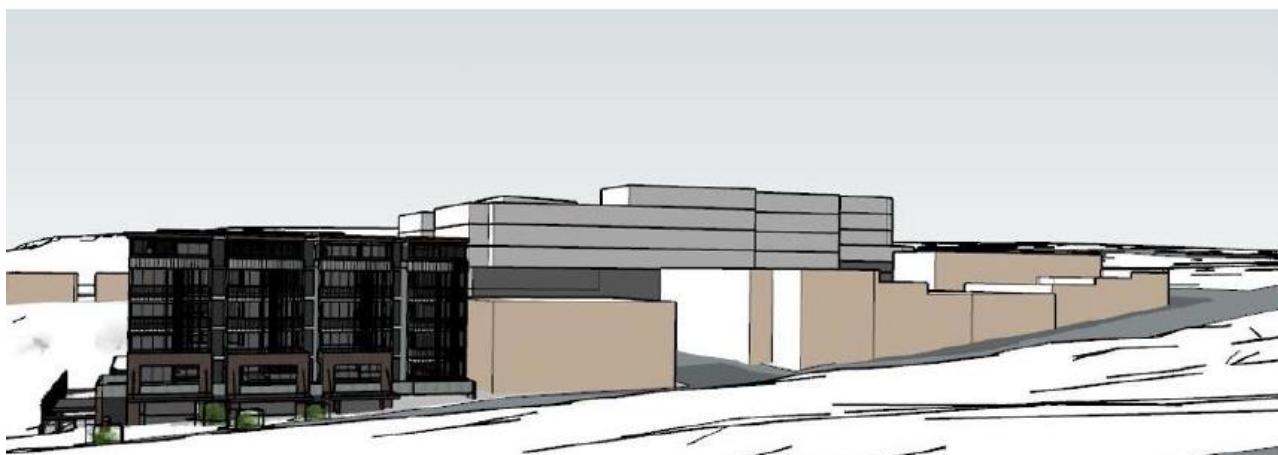
Further refinement of the scheme will be undertaken as part of any future development application and a site specific DCP is intended to be prepared to include the following:

- 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 20 metres by 30 metres;
- built Form and Design: setback and overshadowing standards
- landscape and public domain: Active Street frontages.

The preparation of a site specific DCP will provide greater guidance and assurance to the deliver upon the objectives of the planning proposal.

[illegible]

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**Figure 11:** Proposed concept scheme looking east from Railway Crescent (source: Planning Proposal)

### Floor Space Ratio

The concept design which supports the planning proposal includes a 200 space commuter car park with an area of approximately 7,500m<sup>2</sup> equal to a FSR of 1.1:1 of the site. The planning proposal states that as the commuter car park is being delivered on behalf of Transport for NSW, and is intended to deliver an overall community benefit, it should be excluded from the calculation of the overall gross floor area (GFA). This approach is intended to be delivered through appropriately drafted provision(s) in any future LEP amendment.

Due to the 10m fall across the site, the planning proposal identifies 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 which means that it will not significantly add to bulk and scale. The concept design intends for the commuter car park and the mixed-use development to be achieved within the 20 metre height limit.

The proposed exclusion of commuter car space area from the gross floor area calculation responds to the overall objective of the planning proposal to facilitate an integrated mixed-use development and will provide the opportunity for a greater mix of retail and residential uses. Notwithstanding this, a Gateway condition is recommended to require further evidence to demonstrate the ability of the concept scheme to be delivered within the proposed FSR including the exclusion of commuter car park GFA.

### Overshadowing and Solar Access

The planning proposal provides overshadowing imaging (**Figure 12** below) to understand the impact of the concept scheme under the proposed development standards.

#### *Overshadowing to adjoining properties*

Analysis of the 9am-12pm figures show that the concept development would have minor impacts on the commercial buildings fronting Railway Crescent and across the road at Box Road. The 1pm-3pm imaging shows minor overshadowing of the buildings fronting Box Road, however this will largely not impact upon any existing residential uses. The newly constructed residential flat building at 34 Railway Crescent to the north of the site receives minimal overshadowing impact as a result of the proposed concept scheme.

Further analysis of overshadowing impacts can be undertaken as part of any future development assessment where further refinement to the scheme can be undertaken.



### Solar access within site

Minimal information is currently provided to determine the capacity of the scheme to achieve acceptable solar access within the site. As discussed, a Gateway condition is recommended requiring further information to address alignment with SEPP 65 and ADG provisions.



**Figure 12:** Overshadowing diagram of proposed concept scheme (source: Planning Proposal)

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal will provide the opportunity for an integrated mixed-use development that provides parking for public transport commuters, various retail offerings, public space and residential dwellings where there is currently only a Council car park. This will provide the opportunity to assist in the activation of the Jannali centre.</p> <p>The concept development provides a central location for residents to access day to day needs such as retail shopping, access to public transport and a public space. This has the potential to provide a people-friendly public realm and open space which can facilitate greater social interactions and create a sense of place.</p> <p>The proposal is also considered to provide social benefits by increasing housing availability and choice.</p>

## Economic

The planning proposal will assist in providing economic benefits by creating employment and economic activity during future construction phase of the development and in the ongoing employment in the various retail offerings.

The planning proposal intends to facilitate approximately 3750m<sup>2</sup> of retail floor space for a future supermarket and 800m<sup>2</sup> of specialty retail floor space which can support the Jannali local centre. The planning proposal anticipates it will create a total of approximately 222 jobs during the construction period and approximately 155 direct and 63 indirect jobs once constructed and operational.

The proposal creates the opportunity to provide more dwellings and jobs in Jannali and improve pedestrian activation to the surrounding businesses.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal, and what infrastructure is proposed in support of the proposal.

**Table 3 Infrastructure assessment**

Infrastructure	Assessment
Traffic and Transport	<p>The site is located in an area well serviced by public transport as the site is adjacent to the Jannali train station and proposes to provide car parking spaces for commuters using the train. The proposal will facilitate up to 200 spaces for commuter car parking and 400 spaces for retail and residential parking associated with the development.</p> <p>A traffic impact statement prepared by Colston Budd Rodgers and Kafe Pty Ltd was is attached to the planning proposal. The traffic impact statement suggests that sufficient capacity can be provided in the road network to cater for additional traffic generated by the proposed development. The report suggests road upgrades including the provision of traffic signals at the intersection of Railway Crescent and the railway overbridge, the provision of a second (additional) eastbound approach lane on the railway overbridge and second approach lanes in both directions in Railway Crescent.</p> <p>A Gateway condition is included requiring consultation with Transport for NSW (TfNSW) to verify any necessary arrangements for traffic infrastructure requirements.</p>
Infrastructure	<p>Any future development may require utility services to be upgraded and/or augmented to enable the additional future residential population to be accommodated. This is also acknowledged in the planning proposal.</p> <p>As the proposal would intensify development on the site, it is recommended that relevant state infrastructure service providers are consulted as part of the Gateway determination, including Sydney Water, Ausgrid and TfNSW. These have been included as Gateway conditions.</p>

## 5 Consultation

### 5.1 Community

The planning proposal does not specify a community consultation period.



An exhibition period of 28 days is considered appropriate and forms a condition of the Gateway determination.

## 5.2 Agencies

The planning proposal does not specifically identify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Ausgrid;
- Sydney Water; and
- Transport for NSW.

## 6 Timeframe

A project timeline is included in the planning proposal which has a timeframe of December 2021 to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Given the planning proposal relates to land owned by Council, the Department does not support Council being authorised as the local plan-making authority for this proposal.

## 8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it demonstrates strategic and site-specific merit in providing an integrated mixed-use development close to existing public transport and local services;
- it is consistent with the Eastern City District Plan and Council's local strategic plans;
- the proposed FSR and zoning is consistent with the surrounding sites within Jannali centre;
- the intended future integrated mixed-use development can provide the opportunity for improved activation and revitalisation of Jannali centre; and
- it will facilitate the delivery of a 200-space commuter car park that will encourage greater use of public transport.

As discussed in the previous sections 4 and 5, the proposal must be updated before consultation to:

- address the requirements of Section 9.1 Direction 2.6 Contaminated Lands;
- address SEPP 65 and ADG considerations; and
- provide built form testing to demonstrate the accompanying scheme can be delivered within the proposed development standards.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Direction 2.6 Remediation of Contaminated Land is unresolved and will require additional information and justification; and

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

- 1) Prior to community consultation, the planning proposal is to be updated to:
  - a) Prepare a contamination assessment to address consistency with section 9.1 Direction 2.6 – Remediation of Contaminated Land.
  - b) Include built form testing to demonstrate the accompanying concept scheme can be achieved within the proposed FSR height standards (including the proposed exclusion of commuter car parking GFA;
  - c) Address how the accompanying consent design responds to State Environmental Planning Policy No. 65 and relevant Apartment Design Guide considerations; and
  - d) Replace the draft wording for Clause 4.4(2A) with a plain English explanation that clearly states the intention of the proposed controls.
- 2) Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
- 3) Consultation is required with the following public authorities:
  - Ausgrid;
  - Sydney Water; and
  - Transport for NSW

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal

- 4) A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- 5) The planning proposal must be placed on exhibition not more than 3 months from the date of the Gateway determination.
- 6) The planning proposal must be reported to council (or Planning Panel) for a final recommendation no later than 7 months from the date of the Gateway determination.
- 7) The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
- 8) Given the proposal relates to Council owned land, Council should not be authorised as the local plan-making authority.



18 June 2021

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25 June 2021

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