

# **PLANNING PROPOSAL: 147 GARNET ROAD, KAREELA**



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## Version History

1. For Submission to Gateway.
2. For Exhibition.

## Changes Required by Gateway Determination

Gateway Determination Item	Change to Planning Proposal
<b>1. Prior to community consultation, the planning proposal is to be updated to include:</b>	
<b>i. the additional strategic merit justification;</b>	Added to Appendix 2.
<b>ii. the revised development concept scheme dated December 2021;</b>	Amended throughout the planning proposal.
<b>iii. additional information detailing the background and history of the site;</b>	Added at Section 3.2.1 in the discussion under Site Specific Merit. Included as an attachment “Heritage Constraints Analysis”.
<b>iv. an arboricultural report which is consistent with the supporting development concept scheme;</b>	Included as an attachment “Arboricultural Report”.

<b>Gateway Determination Item</b>	<b>Change to Planning Proposal</b>
<b>v. a landscape plan which is consistent with the supporting development concept scheme; and</b>	Included as an attachment "Landscape Concept Plans".
<b>vi. the GHFF Population analysis dated March 2022.</b>	Appended to the attached Ecological Assessment Report.
<b>b) Updated Explanation of Provisions to reflect the revised approach as follows:</b>	
<b>i. there be a proposed R2 Low Density Residential zone for the site with the additional permitted use under Schedule 1 of LEP 2015 for residential flat building development</b>	Amendments at section 2.1 & 2.2, Part 4 and other changes throughout the planning proposal.
<b>ii. that the proposed landscape and terrestrial biodiversity mapping under LEP 2015 for the site apply to permitted uses, not just for the proposed residential flat building development;</b>	Amendments at section 2.1 & 2.2, Part 4 and other changes throughout the planning proposal.
<b>iii. that the proposed maximum 16m building height and 0.7:1 floor space ratio development standards only apply to residential flat building development; and</b>	Amendments at section 2.1 & 2.2, Part 4 and other changes throughout the planning proposal.
<b>iv. that the built form controls that apply to all other development permitted in the R2 zone mirror that which applies to adjoining development in the R2 zone.</b>	Amendments at section 2.1 & 2.2, Part 4 and other changes throughout the planning proposal.
<b>c) a detailed assessment of the impacts of this revised approach and provide suitable justification for this also;</b>	Amendments at Appendix 5 with other changes throughout the planning proposal.
<b>d) sufficient mapping to inform community consultation and clarify the LEP mapping that is intended to be amended;</b>	Amendments at section 2.2, Part 4 and other changes throughout the planning proposal.
<b>e) information that clearly demonstrate consistency with, or that any inconsistency is justified and/or of minor significance, for the following section 9.1 Direction:</b>	
<b>i. 3.2 Heritage conservation – include:</b> • updated analysis on the potential presence of indigenous and archaeological heritage items of significance on the site.	Updated in Appendix 4 – relating to Direction 3.2 Included as an attachment "Heritage Constraints Analysis".
<b>ii. 4.4 Remediation of Contaminated Land.</b>	Added to Appendix 4 – relating to Direction 4.4
<b>f) hourly shadow diagrams at mid-winter between 9am and 3pm which show the full extent of overshadowing, including to neighbouring properties; and</b>	Included in the attachment "Plans and Architectural Concept Designs".

Gateway Determination Item	Change to Planning Proposal
<b>g) 3D perspectives showing solar access to the proposed residential development.</b>	Included in the attachment “Plans and Architectural Concept Designs”.



## Part 1 – Statement of Objectives and Outcomes

The site (proposed lot 104, within the existing Lot 1142 DP752064) is part of the property at 147 Garnet Road, Kareela. The site is owned by Sylvanvale, a registered charity who provide services, accommodation and employment to people with disabilities. The site has been used by Sylvanvale as their head office but is no longer required for that purpose. The site has sensitive environmental qualities and is near to a nationally significant flying fox colony on public land.

The property at 147 Garnet Road is in the process of being subdivided (as approved under DA20/0381) with proposed lot 104 to be rezoned for other uses, and the remainder continuing to operate as a childcare centre.

This Planning Proposal seeks to rezone the site to facilitate its redevelopment for residential purposes so that Sylvanvale's capital and operations can be redeployed to more suitable places. The proceeds from the sale will also facilitate construction of supported accommodation for people with disabilities at other locations elsewhere in the Sutherland Shire. The Planning Proposal also presents the opportunity to better protect the environmental qualities of the site and ensure that they are maintained into the future.

This outcome will be achieved by the following actions of the Planning Proposal to amend the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015):

1. Rezone the site from SP2 Infrastructure to R2 Low Density Residential.
2. Apply a Floor Space Ratio (FSR) of 0.55:1.
3. Amend the Height of Buildings limit set for the site from 12m to 8.5m.
4. Apply a Landscaped Area requirement set at 50% of the site area.
5. Apply a minimum subdivision lot size of 550m<sup>2</sup>.
6. Include the site on the Terrestrial Biodiversity Map, thus making it subject to Clause 6.5 Environmentally sensitive land—terrestrial biodiversity.
7. Add an Additional Permitted Use provision to Schedule 1 of the plan which allows the development of Residential flat buildings on this site with:
  - a. A maximum Building Height of 16m;
  - b. A maximum Floor Space Ratio of 0.7:1 and a
  - c. 50% landscaped Area requirement.

In addition, the Sutherland Shire Development Control Plan 2015 will be amended to include site specific provisions appropriate to the future development.

Council has been granted an authorisation to use delegated plan making functions for this planning proposal. A table setting out the changes required by the Gateway determination is appended to this planning proposal.

## Part 2 – Explanation of Provisions

SSLEP 2015 is to be amended as follows:

### 2.1 Instrument Amendments

LEP Provision	Amendment	Relevant Objective
<b>Schedule 1 Additional Permitted Uses</b>	<p>Add an Additional Permitted Use provision to Schedule 1 of the plan which allows the development of Residential flat buildings on the site with:</p> <ul style="list-style-type: none"> <li>a. maximum Building Height of 16m;</li> <li>b. maximum Floor Space Ratio of 0.7:1; and</li> <li>c. minimum 50% landscaped area.</li> </ul> <p>A residential flat development with covered balconies, is likely to offer better resident amenity in the context of the flying fox colony. It is also likely to result in more natural landscaped area (in common areas).</p>	7.

### 2.2 Map Amendments

LEP Map Amendment	Relevant Objective
<b>LZN – Land Zoning Map</b>	
<p>Amend the zone of the site from SP2 Infrastructure to R2 Low Density Residential. The primary intent of this change is to make the land use “Residential flat building” permissible with consent.</p> <p>An R2 zone is most strategically appropriate as it is consistent with the surrounding residential streets.</p>	1.
<b>FSR – Floor Space Ratio Map</b>	
<p>Apply an FSR to the site of 0.55:1.</p> <p>This FSR limits the scale and intensity of residential development on the site. This FSR is consistent with the surrounding low density residential zone.</p>	2.
<b>HOB – Height of Buildings Map</b>	
<p>Amend the height limit applying to the site from 12m to 8.5m.</p> <p>This lowers the scale of dwellings on the site to be consistent with the surrounding low density residential zone.</p>	3.
<b>LSA – Landscaped Area Map</b>	
<p>Apply a landscaped area requirement of 50% to the site.</p> <p>This ensures that any development on the site is required to retain 50% of the area beyond the footprint of any building, facilitating conservation of existing vegetation.</p>	4.

<b>LSZ – Lot Size Map</b>	
<p>Apply a minimum lot size to the site of 550m<sup>2</sup>.</p> <p>This lot size limits degree to which the site can be subdivided. This lot size is consistent with the surrounding low density residential zone.</p>	5.
<b>BIO – Terrestrial Biodiversity Map</b>	
<p>Include the site in the layer “Environmentally Sensitive Land”.</p> <p>This ensures the development must address the provisions of Clause 6.5 Environmentally sensitive land—terrestrial biodiversity, which will encourage retention of existing vegetation and consideration of the nearby flying fox colony. This will also ensure the development proceeds via a Development Application rather than through complying development, allowing better consideration of the site’s environmental qualities.</p>	6.
<b>APU – Additional Permitted Uses</b>	
<p>Add an Additional Permitted Use provision applying to the site which allows the development of Residential flat buildings on this site with:</p> <ul style="list-style-type: none"> <li>a. A maximum Building Height of 16m;</li> <li>b. A maximum Floor Space Ratio of 0.7:1; and</li> <li>c. A minimum landscaped area of 50%.</li> </ul> <p>A residential flat building development with covered balconies, is likely to offer better resident amenity in the context of the flying fox colony. It is also likely to result in more natural landscaped area (in common areas).</p>	7.

Maps illustrating these amendments are included in Part 4 of this planning proposal.



## Part 3 – Justification

### 3.1 Need for the Planning Proposal

#### **Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

No, it arises from the needs of the landowner to find a new economic purpose for this surplus land. It is consistent with the objectives of Council's adopted Housing strategy in that it will facilitate an increased supply of housing in a form which can respond to the diverse needs of the community.

#### **Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes, an amendment to SSLEP 2015 to zone the land R2 – Low Density Residential together with the proposed development standards is considered to be the best means of achieving the objectives and intended outcomes for the site and surrounds to allow housing on the subject site.

### 3.2 Relationship to the Strategic Planning Framework

#### 3.2.1 Strategic and Site Specific Merit

#### **Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes. The planning proposal is consistent with the broad policy objectives and actions contained within *The Greater Sydney Region Plan: A Metropolis of Three Cities* and the *South District Plan*. Strategic alignment is detailed in Appendix 2.

#### **Assessment Criteria**

##### **a) Does the proposal have strategic merit? It is:**

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The Planning Proposal has strategic merit because it provides additional housing in a manner which is consistent with the planning priorities of the Greater Sydney Region Plan, South District Plan and the Sutherland Shire Local Strategic Planning Statement. Strategic alignment is detailed in Appendix 2.

**b) Does the proposal have site specific merit, having regard to the following:**

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *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 demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The Planning Proposal has site specific merit because of its unique circumstances. Fundamentally this site is not suitable for its current use and a viable alternative use must be found for what is a large parcel of urban land. From 1886 the site was part of a Crown Reserve gazetted for “Recreation & Other Public Purposes”. In the 1945 Survey of the County of Cumberland, the site is shown as a “Public Parks & Reserves of unrestricted access”. Following this the site was zoned as a “Recreation Reserve” under the *County of Cumberland Planning Scheme* in 1951. Aerial photography in 1961 shows the site covered in dense vegetation with no signs of clearing or development.

In the 1960s the site became of interest to the then NSW Handicapped Children’s Centre which had previously operated out of a church hall on the corner of Flora Street and Auburn Street in Sutherland. In 1966 land which had previously been reserved for extending Garnet Road was released for the purposes of the Handicapped Children’s centre at the same time as Bates Drive was formally opened. In 1968 the site was suspended from the *County of Cumberland Planning Scheme* by *Interim Development Order No.18 – Sutherland* which permitted the land be used for the following purposes: “Educational establishment; handicapped children’s centre”. By 1970, the first buildings on the site are shown in aerial photography.

As Sylvanvale has grown and the support services provided to people with disability have evolved over time, this steep site has proved to be unsuitable for the direct provision of services and support to Sylvanvale clients. Sylvanvale now bases its support services in locations where its clients can be part of the community. Sylvanvale also focuses its work on appropriately supported groups homes. This change in direction over time has meant that their head office now occupies the site exclusively. However, even this use is not particularly suited to the site and overflow parking is a source of community complaint. Sylvanvale seeks to relocate these administrative activities to conventional office space in a commercial centre which is consistent with good planning practice.

The site’s current SP2 Infrastructure (Educational Establishment) zoning provides limited flexibility. Only aquaculture, food and drink premises, roads and educational establishments are permissible on the land. The combination of slope, bushland, electricity easement and bushfire risk make this a poor site for an educational establishment. As such there are no alternative uses for the site under the existing zoning that are viable either economically or practically. The surrounding area is largely zoned for low density residential, suggesting that a residential use is the most appropriate future use for this site.

It is acknowledged that rezoning the site to R2 Low Density Residential is consistent with the surrounding locality. However, given the complex constraints imposed by the site, a low-density subdivision has distinct environmental disadvantages when compared to the alternative of a more concentrated building form with a contained footprint. Specifically, the subdivision of the land into single lots would disturb the natural qualities of most of the site. It would necessitate the removal of remnant bushland, mature trees and large rock outcrops. This would dramatically reduce the habitat value of the land. Low density subdivision would also bring development to the edges of the site thereby exacerbating potential impacts on the adjoining Grey Headed Flying Fox camp.

The concept designs submitted with the Planning Proposal demonstrates that a medium density housing development can preserve 50% of the site's remnant bushland. This can be achieved by siting an apartment building within that part of the site that has already been disturbed and now accommodates the existing development. Realising the site's development potential within a taller building form is appropriate in this context given the unique topography of the site. The site has been benched to accommodate the existing administration building and this platform sits up to 20 metres below the reserve to the west. As such taller building will not dominate their local context.

Although Sutherland Shire's Housing Strategy has tended to concentrate apartments around centres, there are various instances where unit style of developments are appropriate even though they may be well away from a centre and the rail network. For instance, North Cronulla is over 1.5km from Cronulla Station, yet it is a desired location for apartments because of the amenity it offers in terms of views and proximity to beaches. Similarly, apartments adjacent to Tom Uglys Bridge, Sylvania are sought after because of the views they offer, despite being well removed for a centre or a railway station. In the case of the subject site, it also offers a distinct amenity advantage because apartments would be surrounded by bushland. Being connected to nature is a priority for Shire residents and is something that is rarely available to those seeking an apartment.

Smaller dwellings that would result from a residential flat building would also contribute to the range of dwelling types and price points in the locality. This assists in achieving the desired outcomes of local and regional plans and policies as discussed in the tables below. In particular offering some apartments in Kareela will facilitate adaptable and liveable dwellings, as well as homes to cater to smaller household types (such as for those downsizers, single or aged households, or households with a limited number of children). Providing increase housing choice for the Kareela community means that more people for move to a dwelling that meets their lifecycle needs without losing community connections. In addition, Council understands that the presence of the GHFF colony typically results in resident complaints in connection with droppings on cars, furniture, paving etc. Allowing apartments means that private open space will be provided as balconies which makes the impact of the GHFF more manageable than is the case with private gardens and pools. As such, apartments are also considered a better outcome because of the Grey-headed Flying-foxes in the vicinity of the site in the future.

Environmental impacts are discussed further in section 3.3 below.

### 3.2.2 Local Strategic Planning Statement

#### **Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes, the Planning Proposal is consistent with the planning priorities of the Sutherland Shire Local Strategic Planning Statement. Detailed evaluation against strategic alignment is in Appendix 2.

### 3.2.3 State Environmental Planning Policies

#### **Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes, the Planning Proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. See the table at Appendix 3.

### 3.2.4 Section 9.1 Directions

#### **Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Yes, the Planning Proposal is substantially consistent with all applicable s9.1 Ministerial Directions except for 4.3 Flooding. This inconsistency is justifiable on the grounds that it affects a small portion of the site which will not be built upon and because the proponent has provided a flood report which meets the requirements of Council. These are evaluated in Appendix 4.



### 3.3 Environmental, Social and Economic Impact

#### 3.3.1 Habitats, Threatened Species, Populations & Ecological Communities

**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. This issue is discussed in the Flora and Fauna report submitted under separate cover and discussed in section 8 of this report.

#### 3.3.2 Other Environmental Effects

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. Refer the following specialist consultant reports and plans submitted under separate cover and the environmental planning discussion in Appendix 7 of this Planning Proposal:

- Flooding Report
- Arboricultural Report
- Ecology Report
- Grey-headed Flying-fox Fauna Management Plan
- Bushfire Report
- Traffic & Parking Report
- Architectural Concept Plans
- Landscape Concept Plans
- Stormwater Concept Plans
- Heritage Constraints Analysis

Other than those discussed in Appendix 7, there are no other known site constraints or issues that would affect the rezoning of the site for the uses sought. Notwithstanding, further detailed assessment would be undertaken with respect to an individual development proposal at DA stage.

#### 3.3.3 Social and Economic Effects

**Q9. Has the planning proposal adequately addressed any social and economic effects?**

The proposal will contribute to the availability of residential land in the Sutherland Shire in an area that is well suited to the development proposed and where all environmental impacts are able to be managed appropriately. Given the relatively unique setting this would provide opportunities for some diversification of the current housing options in this part of the Shire.

An indicative concept layout has been provided by the proponent. The proposed concept layout has been configured such that the likely future development is centrally located on the lot with significant buffering of natural landscape around. The design ensures that the landscaped area provided will be greater than provided in an R2 low density zone as well as the environmental E3 and E4 zones, even though the density will be 0.7:1. This will assist in its compatibility with the neighbourhood. The proposal is also consistent with relevant objectives and goals under Metropolitan, Regional and Local Strategy plans is therefore considered to reflect the social and economic priorities for the region.

Sylvanvale have advised that the proceeds from the sale of the rezoned site will be used to provide housing for people with disabilities within the Sutherland Shire.

In addition, development permissible on site will:

- Create housing choice with a point of difference to most other residential flat developments in the Sutherland Shire;
- Create local employment during the development and construction period; and
- Support local businesses through the addition of new households into the area.

### 3.4 State and Commonwealth Interests

#### **Q10. Is there adequate public infrastructure for the planning proposal?**

Yes. All services and utilities are currently available to the subject site and can be readily amplified to meet the requirements of the new medium density development. A separate two lot subdivision application (DA20/0381) submitted at the same time as the Planning Proposal and subsequently approved on 24 November 2020 also addresses this issue.

The subject site is a short drive/bus ride to several surrounding centres including Kirrawee, Gymea, Jannali and Sutherland. It has access to Mikarie Place via the Sylvanvale owned property which connects to Garnet Road and ultimately Waratah Street and the Princes Highway. The site is also strategically positioned in relation to other local and regional infrastructure such as the T4 train line and Sutherland Hospital.

#### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

The location of a nationally significant flying fox colony on the adjacent property prompted early consultation with the Commonwealth Department of Environment to determine whether the Planning Proposal could affect matters regulated by the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The Department issued a decision on 9 March 2021 that the project was not a 'controlled action' under the EPBC Act, subject to compliance with conditions on construction activity. This decision and the conditions on construction are attached as Appendix 8. All other consultation with the Commonwealth will be undertaken if and as required by the Gateway Determination.



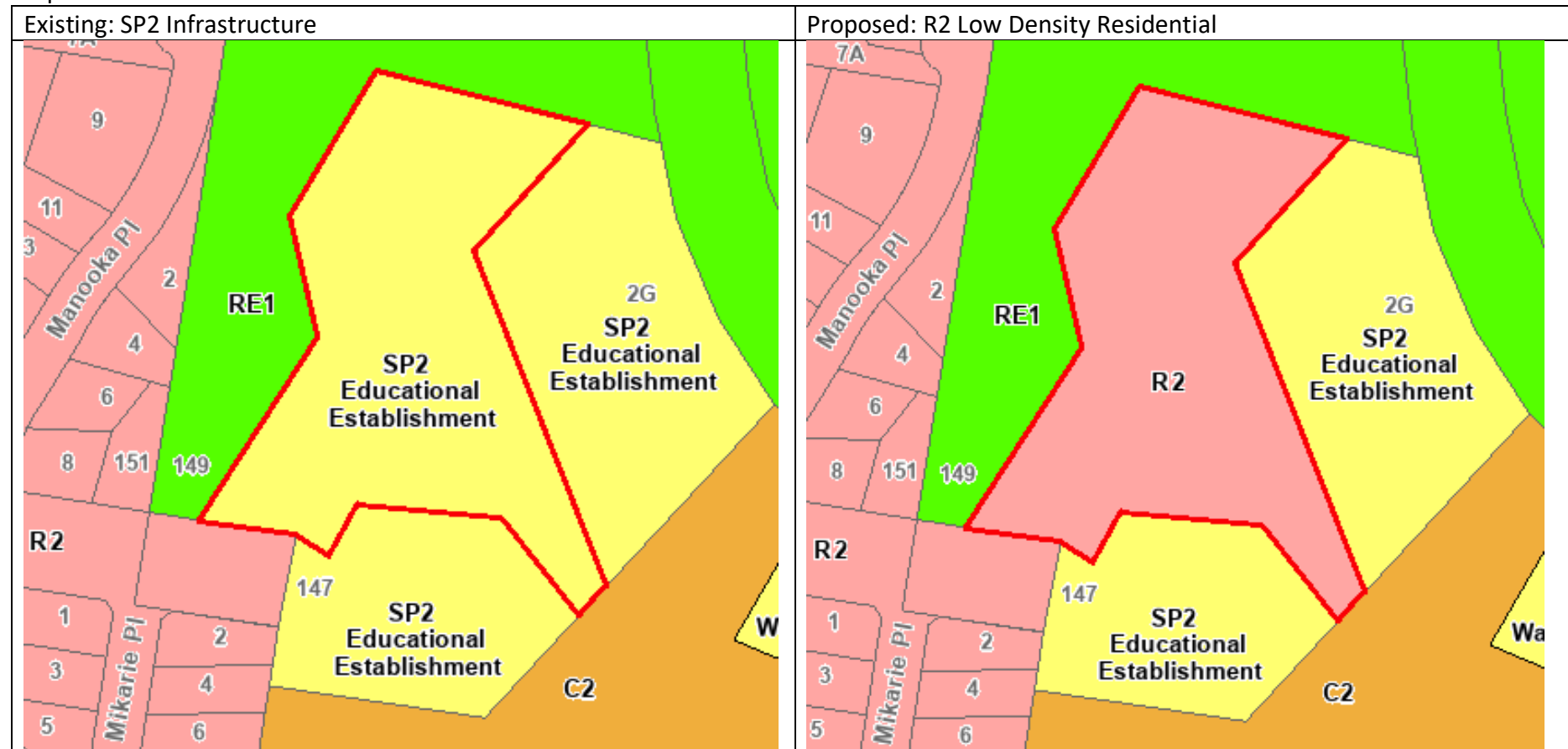
## Part 4 – Maps

### 4.1 Site Overview Map



## 4.2 Land Zoning Map

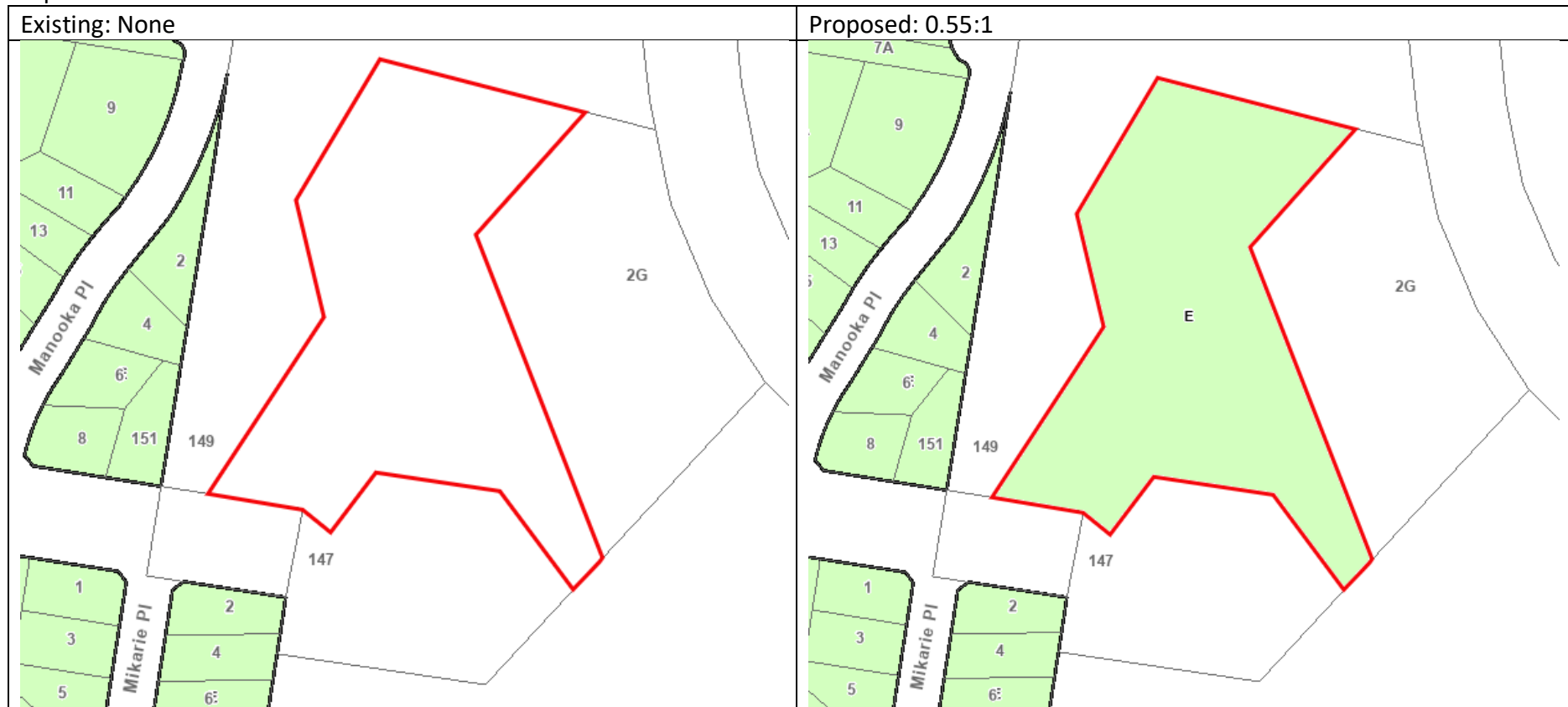
### Map Series LZN





### 4.3 Floor Space Ratio Map

#### Map Series FSR



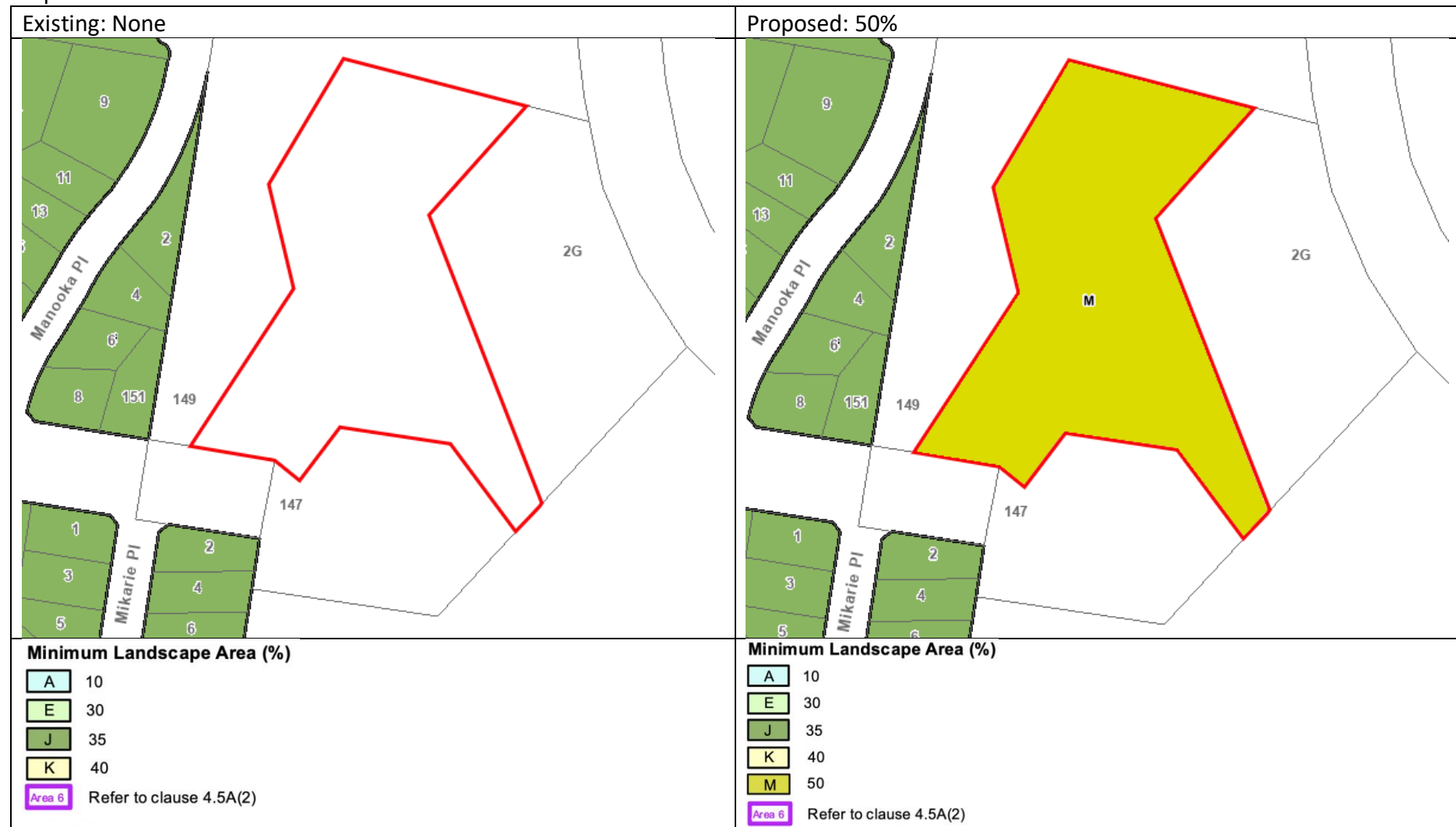
#### 4.4 Height of Buildings Map

Map Series HOB



## 4.5 Landscaped Area Map

### Map Series LSA



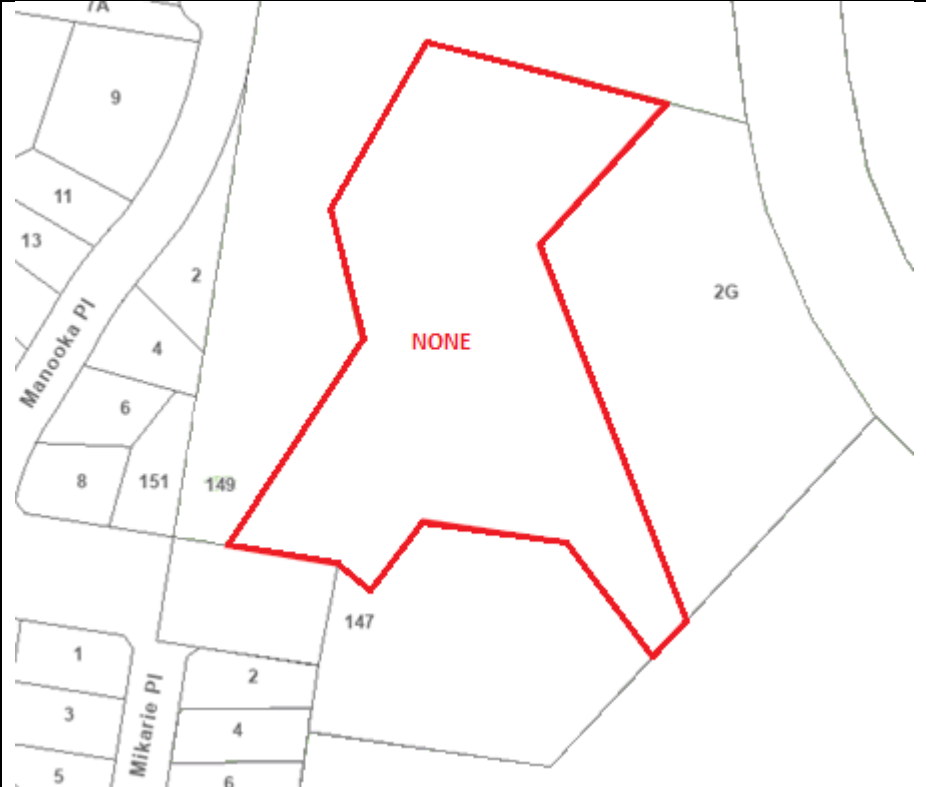
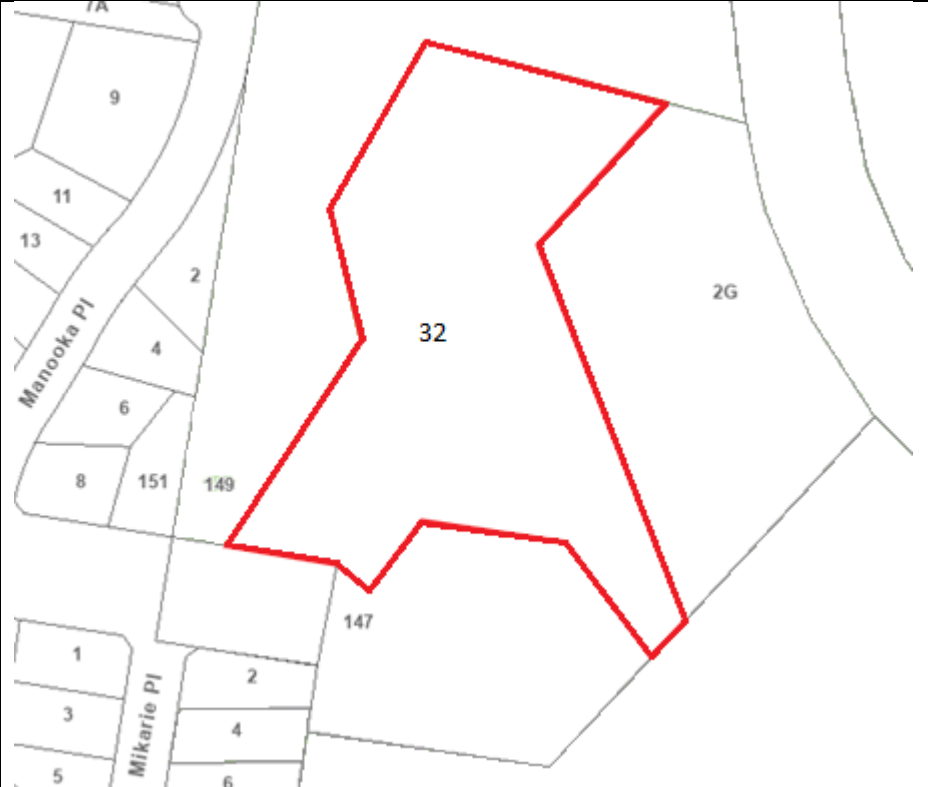
#### 4.6 Terrestrial Biodiversity Map

## Map Series BIO



#### 4.7 Additional Permitted Uses Map

##### Map Series APU

Existing: None	Proposed: Area 32 – Connecting to the proposed provision in Schedule 1 of SSLEP2015.
	



## Part 5 – Community Consultation

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2016), the Planning Proposal will be exhibited for a period of at least 28 days. It is proposed that the exhibition will include:

### **Advertisement in local newspaper**

An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader and the Liverpool City Leader identifying the purpose of the Planning Proposal and where the planning proposal can be viewed.

### **Consultation with affected owners and adjoining landowners**

A letter will be sent to landowners whose land is specifically affected by the Planning Proposal, and adjoining landowners in accordance with Council’s adopted Community Engagement Policy. Opportunities for one-on-one consultations to discuss the proposals will be offered to interested parties.

### **Advertisement on the Council website**

The Planning Proposal will be exhibited on the Council consultation website ([jointheconversation.sutherlandshire.nsw.gov.au](http://jointheconversation.sutherlandshire.nsw.gov.au)) with links from the home page. Council’s mapping portal will indicate areas where planning controls would change as a result of this planning proposal.

### **Direct contact**

Interested parties will be able to contact the Strategic Planning Unit of Council directly by telephone and through a team email address.



## Part 6 – Project Timeline

<b>Milestones</b>	<b>Timing (<i>Future Dates Indicative</i>)</b>
Gateway Determination	13 July 2022
Exhibition Start	29 August 2022
End Exhibition	5 October 2022
Review and Consideration of Submissions	October 2022
Report to Council Meeting	December 2022
Request for Draft Instrument to be Prepared	January 2023
Gateway Specified Completion Timeframe	13 April 2023

## Conclusion

The purpose of this Planning Proposal is to amend the *Sutherland Shire Local Environmental Plan 2015* to rezone the site (proposed lot 104, within the existing Lot 1142 DP752064) at 147 Garnet Road, Kareela. Together with the proposed development standards and draft DCP provisions, this will facilitate a sustainable and economically viable redevelopment.

The Planning Proposal is demonstrated to be generally consistent with relevant State and local legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.



## Appendices





## Appendix 1: Criteria for Delegation of Plan Making Functions

**Local Government Area:** Sutherland Shire Council

**Name of Draft LEP:** Planning Proposal 147 Garnet Road, Kareela

**Address of Land:** 147 Garnet Road, Kareela, NSW

**Intent of Draft LEP:**

The site (proposed lot 104, within the existing Lot 1142 DP752064) is part of the property at 147 Garnet Road, Kareela. The site is owned by Sylvanvale, a registered charity who provide services, accommodation and employment to people with disabilities. The site is surplus to their needs. The site has sensitive environmental qualities and is near to a nationally significant flying fox colony on public land. The property at 147 Garnet Road is in the process of being subdivided (as approved under DA20/0381) with proposed lot 104 to be rezoned for other uses, and the remainder continuing to operate as a childcare centre.

This Planning Proposal seeks to rezone the site to facilitate its redevelopment for residential purposes so that Sylvanvale's capital and operations can be redeployed to more suitable places. The proceeds from the sale will also facilitate construction of supported accommodation for people with disabilities at other locations elsewhere in the Sutherland Shire. The Planning Proposal also presents the opportunity to better protect the environmental qualities of the site and ensure that they are maintained into the future.

Evaluation Criteria  
(Next Page)



## Evaluation criteria for authorising Council to be the local plan-making authority

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council	Response	Department assessment
	Y/N	Not Relevant	Agree / Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y		
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y		
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y		
Does the planning proposal contain details related to proposed consultation?	Y		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?	Y		
Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions?	Y		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y		
<b>Minor Mapping Error Amendments</b>			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N		
<b>Heritage LEPs</b>			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A	
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A	

Reclassifications			
Is there an associated spot rezoning with the reclassification?	N		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A	
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A	
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		N/A	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		N/A	
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A	
Spot Rezoning			
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?	N		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	N		
Does the planning proposal create an exception to a mapped development standard?	N		

### Section 3.22 matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).

N/A



## Appendix 2: Strategic Alignment Evaluation

### Greater Sydney Region Plan

Item	Comments
<b>A city supported by infrastructure</b>	
<i>Infrastructure supports the three cities</i>	<p>The site is served by existing infrastructure which has the necessary capacity to support a change to residential uses. The existing connections to public transport allow access to the strategic centre at Miranda in less than 30 minutes, and railway stations at both Miranda and Jannali which provide connectivity across the broader city region. The traffic impact assessment accompanying the proposal demonstrates that the existing roads can accommodate the demand created by the proposal.</p> <p>The site is within close proximity to local infrastructure and services, including within the Kirrawee industrial and commercial areas. The site is also within close proximity to the Kareela, Sutherland, Gymea, Jannali and Sylvania centres. These provide access to a range of amenities, activities, schools, parks, medical facilities and employment opportunities.</p> <p>The site is also within proximity to the Liverpool metro cluster, with an approximate 30-minute travel time via road. Travel times to the Sydney CBD metro centre will likely be improved in future with the further investigation into the M6 road corridor.</p>
<i>Infrastructure adapts to meet future needs</i>	<p>The planning proposal will facilitate a future Development Application capable of delivering well designed infrastructure on site to complement that in the surrounding area. This could include items such as electric vehicle recharging and incorporating generous bicycle and motorcycle parking. The design of the development is such that it would allow flexible floor plans to cater to a range of household types and needs, such as those who are ageing in place, those working or schooling from home, etc. A future Development Application would also detail adaptable and liveable units as required under the Sutherland Shire DCP 2015.</p>
<b>A collaborative city</b>	
<i>Benefits of growth realised by collaboration of governments, community and business</i>	<p>ANSTO and Kogarah are identified as Collaboration Areas and are both located in proximity to the site (under 30 minutes).</p> <p>This proposal is an example of collaboration in action. Sylvanvale has collaborated with Disability Services and Crown Land to best accommodate the future needs of people with disability. Sylvanvale is now collaborating with Council and DPE on the future of this site to realise the best environmental and build form outcomes.</p>
<b>Liveability</b>	
<i>Potential indicator: increased walkable access to local centres</i>	<p>The Kirrawee and Gymea local centres are within approximately 30 minutes' walk of the subject site. The Planning Proposal will deliver an increased number of dwellings with walkable access to local centres. The site is also within very close proximity to the Kareela local centre.</p>
<i>Potential indicator: increased access to open space</i>	<p>The site is within close proximity to a range of public open spaces – both passive spaces and sporting facilities. The planning proposal will increase the number of dwellings in proximity to these spaces, helping to support a more active community and participation in community sport.</p> <p>The planning proposal also provides for generous landscaped area on site as well as communal open space. This will create amenity for residents and enhance liveability.</p>
<b>A city for people</b>	
<i>Services and infrastructure meet</i>	<p>The site is within close proximity to numerous educational facilities including:</p> <ul style="list-style-type: none"> <li>• Mikarie Child Care Centre</li> <li>• Bates Drive School</li> </ul>

<i>communities' changing needs</i>	<ul style="list-style-type: none"> <li>• Gymea Technology High School</li> <li>• TAFE NSW Gymea</li> <li>• Kirrawee Public School</li> </ul> <p>The site is within proximity to a number of health services in the Kareela, Kirrawee and Gymea local centres, as well as Miranda Commercial Core and the Caringbah Medical Precinct.</p> <p>Any future development will be capable of implementing suitable design to ensure equitable access and the inclusion of adaptable and livable dwellings to meet the needs of a range of people into the future. In a rapidly ageing community, smaller dwelling will also meet the community's evolving needs.</p>
<i>Communities are healthy, resilient and socially connected</i>	The landscaped and communal open space available on site as well as proximity to local centres allows for social connection and access to amenities and activities, as well as promoting exercise.
<b>Housing the city</b>	
<i>Greater housing supply</i>	The planning proposal will contribute to a greater housing supply in Sutherland Shire where increasingly it is difficult to find large sites for infill development. A future Development Application can detail adaptable and liveable design, accessibility and flexible dwelling layouts to suit a range of household types. The planning proposal responds to site specific opportunities and constraints to ensure an appropriate site-specific design solution is achieved, including maximising the retention of bushland.
<i>Housing is more diverse and affordable</i>	The planning proposal will contribute to the diversity of housing in the locality. While the development of the site for single dwelling would be permissible under the proposed R2 Low density Residential zone, if the incentive to limit the disturbance of the site is taken up the development would be required to provide a proportion of dwellings as liveable and adaptable housing. The proposal will improve housing choice by providing low rise apartments on the site in a suburb which is dominated by single dwelling houses. By providing a greater variety of housing types in Kareela, the proposal will also help accommodate the diversity of the Sutherland Shire community. This is particularly important in Kareela which is ageing.
<b>A city of great places</b>	
<i>Great places that bring people together</i>	The design of the planning proposal ensures a high-quality built form and landscape design solution which will contribute to housing as well as promoting social interaction through shared spaces.
<i>Environmental heritage is identified, conserved and enhanced</i>	The site provides a rare opportunity to provide housing in a natural context within an existing low-density suburb. The proposal contains measures which will protect the natural environment on the site for the future, while the future residents will collectively manage the site. However, these benefits will only be achieved if the incentive clause is taken up.
<b>Productivity</b>	
<i>A well-connected city Potential indicators: Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/cluster; Percentage of dwellings located within 30 minutes by</i>	There are public transport options which provide access to the Sutherland and Miranda strategic centres within 30 minutes. Residents have access to bus stops on Garnet Road within walking distance which are served by the 967 and 968 bus lines regularly during the day. These services connect to the strategic centre and train station at Miranda, local centre and train station at Jannali and local shops at Kareela. The planning proposal will increase the number of dwellings within close access to these centres.

<i>public transport of a strategic centre</i>	
<i>Jobs and skills for the city Potential indicator: Increased jobs in metropolitan and strategic centres</i>	The location of the site with close access to the Sutherland and Miranda strategic centres will provide access to jobs in these strategic centres. The site is currently used as the administrative office for Sylvanvale. The proposal facilitates the relocation of these activities to more conventional commercial space.
<b>A well-connected city</b>	
<i>A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i>	There are public transport options which provide access to the Sutherland and Miranda strategic centres within 30 minutes. The planning proposal will increase the number of dwellings within close access to these centres.
<b>Sustainability</b>	
<i>A city in its landscape Potential indicators: Increased urban tree canopy; Expanded Greater Sydney Green Grid</i>	Development of the site as single dwellings under would lead to loss of urban canopy. To address this the planning proposal uses an incentive clause to limit the number of trees and remnant bushland impacted by the future built forms on site, and requires 50% deep soil landscaping to be achieved on site. This provides well in excess of the minimum landscaped area required in any residential zone within the Sutherland Shire, and will ensure a positive contribution to the urban tree canopy and Green Grid.
<b>A city in its landscape</b>	
<i>Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i>	Development of the site as single dwellings under would lead to loss of urban bushland and remnant vegetation. To address this the planning proposal uses an incentive clause to limit the number of trees and area of remnant bushland impacted by the future built forms on site and has allowed for 50% deep soil landscaping to be achieved on site. This provides well in excess of the minimum landscaped area required in any residential zone within the Sutherland Shire, and will ensure the protection of biodiversity and vegetation. If development takes advantage of the additional permitted use of residential flat building, the site could deliver a model for protecting biodiversity and siting development harmoniously in its landscape.
<i>Scenic and cultural landscapes are protected</i>	The use of the incentive provision will limit the number of trees and remnant bushland impacted by the future built forms on site, and has allowed for 50% deep soil landscaping to be achieved on site. This provides well in excess of the minimum landscaped area required in any residential zone within the Sutherland Shire, and will protect the scenic character of the landscape.
<i>Urban tree canopy cover is increased</i>	The provision of more than 50% deep soil landscaping on site will ensure a positive contribution to the urban tree canopy.
<i>The Green Grid links parks, open</i>	While the site itself is not affected by the Green Grid, the provision of more than 50% deep soil landscaping on site will ensure a positive contribution to the nearby Green Grid areas.



<i>spaces, bushland and walking and cycling paths</i>	
<b>An efficient city</b>	
<i>A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</i>	The built forms facilitated by this planning proposal are capable of being designed to minimise emissions and maximise efficiency. Development of additional housing within existing the existing suburb of Kareela will reduce or defer the need for additional residential development on the urban fringe. This will make a contribution to creating a more compact and efficient city which can more easily achieve net zero emissions.
<i>Energy and water flows are captured, used and re-used</i>	The built forms facilitated by this planning proposal are capable of being designed in further detail at a future Development Application stage to appropriately manage energy and water.
<i>More waste is re-used and recycled to support the development of a circular economy</i>	The built forms facilitated by this planning proposal are capable of being designed in further detail at a future Development Application stage to promote the re-use and recycling of waste.
<b>A resilient city</b>	
<i>Exposure to natural and urban hazards is reduced</i>	The planning proposal has been designed with regard to the site-specific opportunities and constraints to ensure that these are suitably responded to. The landscaped area provides buffers between the development and known risks on the site.
<i>Heatwaves and extreme heat are managed</i>	The planning proposal provides highly generous deep soil landscaping and will be further complemented by non-deep soil landscaping to contribute to the Green Grid and natural shading/cooling of the site and locality.

## South District Plan

Item	Comments
<b>Liveability</b>	
<i>Fostering healthy, creative, culturally rich and socially connected communities.</i>	The subject site is located within close proximity to local and strategic centres as well as a range of other local amenities and activities such as parks and schools, supporting the connectivity of the site to the local community to assist in fostering health, creativity, culture and social connectivity. This can be further fostered on site through the provision of well-designed and landscaped communal areas. The future range of dwelling types and layouts facilitated will contribute to the needs of a range of household types.
<i>Provide housing supply, choice and affordability, with access to jobs, services and public transport.</i>	The planning proposal will provide for the future residential use of the site, creating the opportunity for a range of new dwellings to suit the needs of a range of household types. At present Kareela is predominately a single dwelling community giving ageing residents few options to downsize and remain in their community. Development facilitated by this planning proposal will add to the price points available to the Kareela community. The site is in close proximity to local and strategic centres, which provide a range of services and



	employment opportunities. The site is also in proximity to bus stops, which provide services to areas including train stations.
<b>Productivity</b>	
<i>Delivering integrated land use and transport planning and a 30-minute city</i>	The site is uniquely positioned such that it is within close proximity to local and strategic centres including Kareela, Kirrawee, Sutherland, Miranda and Gymea. This assists in providing residents access to a wide range of activities, amenities, services, infrastructure and employment within 30 minutes of the site.
<b>Sustainability</b>	
<i>Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas.</i>	The incentive clause that forms part of the planning proposal provides for 50% deep soil landscaping, complemented further by non-deep soil landscaping. This allows for the protection of vegetation and biodiversity on site as able, while contributing to the scenic and landscape qualities of the locality. The planning proposal has also been designed to suitably respond to the nearby Grey-headed Flying-fox camp.
<i>Increasing urban tree canopy cover and delivering Green Grid connections</i>	The incentive clause that forms part of the planning proposal provides for 50% deep soil landscaping, complemented further by non-deep soil landscaping. This ensures the site will continue to make a positive contribution to the nearby Green Grid as well as urban tree canopy cover.
<i>Reducing carbon emissions and managing energy, water and waste efficiently</i>	A future Development Application following the planning proposal will be capable of achieving this planning priority.
<i>Adapting to the impacts of urban and natural hazards and climate change</i>	The planning proposal has been designed with regard to the site-specific opportunities and constraints, including shape, topography and bushfire.

## NSW Housing Strategy, Housing 2041

Item	Comments
<b>20- Year Vision</b>	
<b>People and communities have:</b> <ul style="list-style-type: none"> <li>• Access to housing security, diversity and support, irrespective of whether they live in metropolitan or regional areas</li> <li>• Choices that enable them to afford a home without compromising on basic needs</li> <li>• Support and opportunity in differing circumstances, including people in crisis, social housing residents, private rental tenants and those who aspire to home ownership</li> </ul>	The planning proposal will provide for a number of new residential dwellings of varying sizes and layouts, including adaptable and liveable designs (as is required under Sutherland Shire DCP 2015). These will suit a range of household types, including homeowners, rental tenants, those ageing in place, etc.
<b>Homes in NSW are:</b> <ul style="list-style-type: none"> <li>• Accessible and suitable for different stages of life or changing circumstances</li> </ul>	A future Development Application would be required to provide adaptable and liveable dwellings (as per the requirements of Sutherland Shire DCP 2015), providing accessible and suitable homes for different stages of life and

<ul style="list-style-type: none"> <li>• <i>Connected to local facilities, jobs and social networks, with infrastructure, services and spaces that people need to live sustainably</i></li> <li>• <i>Designed to support human wellbeing and respond to the environment, maximise technology and support local character and place</i></li> </ul>	<p>changing circumstances. As present there is little housing choice for the ageing Kareela community.</p> <p>The site is within close proximity to local and strategic centres, infrastructure, amenities, employment opportunities, etc. The planning proposal presents a site-specific design solution with regard to the opportunities and constraints of the site to respond to the environment and support wellbeing, including the highly generous landscaping which will support the local character.</p>
<b>NSW Housing System Pillars</b>	
<p><b>Supply</b>  <i>Includes amount, location and timing of the supply of new housing. Planning for the supply of new housing should respond to environmental, employment and investment considerations, and population dynamics.</i></p>	<p>The dwellings to be provided under the planning proposal are in a locality where housing is in demand and will cater to a wide range of household types and their needs.</p>
<p><b>Diversity</b>  <i>Considers different types of housing and looks at how a diverse choice of housing can reflect the needs and preferences of households.</i></p>	<p>The planning proposal will contribute to the range of housing types in the locality and will be required to include adaptable and liveable designs (as is required under Sutherland Shire DCP 2015) with a future Development Application. This will reflect the needs and preferences of differing household types, including those ageing in place, those who are disabled, etc.</p>
<p><b>Affordability</b>  <i>Recognises people live in diverse tenures based on their income and circumstances, and that housing should be affordable, stable and supportive of their aspirations and wellbeing.</i></p>	<p>The range of dwelling layouts and features are anticipated to have a range of values when sold or leased in future. This will provide more entry points into the housing market in Kareela.</p>
<p><b>Resilience</b>  <i>Includes matching housing to community and environmental issues, so people and their homes are safe, comfortable and resilient.</i></p>	<p>The planning proposal will contribute to the range of housing types in the locality and will be required to include adaptable and liveable designs (as is required under Sutherland Shire DCP 2015) with a future Development Application. The proposal has also been designed with regard to site specific opportunities and constraints. This will ensure that those living in the future homes can do so in a safe, comfortable and resilient manner.</p>

## Sutherland Shire Local Strategic Planning Statement

Item	Comments
<b>Planning Priority</b>	
<i>Managing traffic congestion and parking</i>	The planning proposal is accompanied by traffic advice supporting the ability of the road network to accommodate the built form envisaged. The planning proposal is capable of accommodating the required car parking spaces as well as bicycle parking, motorcycle parking, etc. The site is also within walking distance of a number of local amenities and activities as well as bus stops to promote walking and cycling. The proposed use generates less parking than the existing use of the site. Unlike the existing use, it will be able to accommodate all its parking requirements on site and as such assists in the management of parking.
<i>Respect local character</i>	While residential land uses surrounding the site are typically detached single dwellings in a low-density residential zone, the site is currently zoned SP2 Educational Establishment, as is an

	<p>adjoining property. There is also C2 Environmental Conservation zoning to the south of the site as well as RE1 Public Recreation zoning adjacent and nearby the site.</p> <p>The proposed R2 Low Density Residential zone is consistent with the character of surrounding neighbourhoods. However, the planning proposal will provide an incentive to limit building footprint to maximise deep soil landscaping. The built form will have limited visibility from the surrounding residential area due to local topography while being well softened by vegetation. Future development will sit below the ridge and be lower than the establish canopy. These considerations ensure that the planning proposal presents a form and zoning which respects the local character of the surrounding area.</p>
<i>Housing choice</i>	The planning proposal will facilitate a built form which allows for a range of smaller dwelling types (including adaptable and liveable dwellings). These will contribute to the diversity of housing types for a range of households, as well as contribute to the range of housing typologies and their respective cost. This is particularly important in Kareela which has an ageing community and predominantly comprises single dwellings on large lots.
<i>Aboriginal heritage, natural habitats and landscapes</i>	The limited building footprint and generous deep soil landscaping facilitated by the planning proposal minimises impacts to vegetation, remnant bushland, rock outcrops and habitat. It ensures that the site will continue to contribute positively to the natural landscape character of the locality.
<i>Urban tree canopy</i>	The limited building footprint and generous deep soil landscaping facilitated by the incentive clause of the planning proposal minimises impacts to vegetation and ensures the site will continue to make a positive contribution to the urban tree canopy.
<i>Green grid connections</i>	While the site is not affected by the proposed Green Grid, it is in proximity to Green Grid areas. The generous landscaping on site afforded by the planning proposal will provide additional leafy area in the vicinity of the Green Grid.
<i>Manage risks from hazards</i>	The planning proposal has been well considered with regard to the site-specific constraints and opportunities so as to ensure risk from hazards will be suitably managed.

## Sutherland Shire Housing Strategy 2020

Item	Comments
<b>Objectives</b>	
<i>To meet the current and future needs of an ageing population</i>	<p>The planning proposal is an opportunity to create a more diverse supply of housing in Kareela which has an ageing community. Future development taking advantage of the incentive clause will be required to meet accessibility requirements and incorporate adaptable and liveable dwellings. This, combined with the range of dwelling types and flexible layouts will ensure that the future dwellings will meet current and future needs of an ageing community.</p> <p>The planning proposal facilitates apartments within a natural setting. This will be attractive to downsizers who want to keep a connection to nature and downsize within their community.</p>
<i>To deliver Council's Ageing Well Strategy</i>	The above discussion outlines how the planning proposal will assist in meeting the current and future needs of an ageing population, in turn assisting Council in delivering the Ageing Well Strategy.
<i>To meet the current and future needs of smaller sized households</i>	The incentive clause will facilitate the provision of dwellings which will suit a range of household types, including smaller households. This is particularly important within Kareela which predominately consists of large family homes.

<i>To meet the community need for increased housing choice</i>	The incentive clause will facilitate the provision of a range of dwellings, contributing to housing choice. Notably, the form of the dwellings will add to housing diversity in the immediate surrounding area which is currently predominantly single dwellings.
<i>To encourage redevelopment to promote the revitalisation of centres</i>	While the site is not located within a centre, but it is within close proximity to a number of local and strategic centres. The additional dwellings and in turn population, will support the operation of centres.
<i>To facilitate the use of public transport and the efficient utilisation of existing and future infrastructures</i>	The subject site is within walking distance of bus stops along Garnet Road and Marshall Road, which provide services to surrounding areas including those with train stations at Jannali and Miranda for onward travel.
<i>To retain the established development pattern of mostly low-density housing in a landscaped setting with some higher density precincts close to centres</i>	<p>The Planning Proposal adopts the R2 Low Density zone of the adjacent neighbourhood, but redevelopment for single dwellings would be at the expense of the landscape setting of the locality. Through the use of the incentive clause, the planning proposal maintains a generously landscaped setting on site, providing 50% deep soil landscaped area complemented by further non-deep soil landscaping. When coupled with a floor space ratio of 0.7:1, this is in effect a low-density yield on a large site.</p> <p>The residential area surrounding will remain low density residential in nature and infill development on the subject site will not compromise this established character. The planning proposal has a form and scale which are tailored to this specific site and respond to its opportunities and constraints. Notably, the built form proposed will have limited visibility from the surrounding low density residential locality given local topography and the retention of existing bushland.</p>
<i>To consider environmental constraints in nominating locations for additional housing</i>	The planning proposal has been designed with regard to site specific constraints and opportunities, with the careful consideration and design resulting in the built form proposed. This includes the 50% landscaped area requirement and proposed DCP controls which limit the development footprint, considering site shape, topography, vegetation and bushfire.
<b>What Council Actions will deliver Housing Strategy 2031?</b>	
<i>Increased opportunities to develop residential flats in selected centres by some increases to permissible heights and floor space ratios</i>	<p>While the subject site is not located within a centre, the planning proposal seeks a residential zoning and a built form and typology which is appropriate for the subject site and its specific opportunities and constraints.</p> <p>Importantly, it is noted that there is no maximum FSR currently applied to the site, no minimum landscaped area, and a building height of 12m applied. The planning proposal will provide an FSR, height and landscaped area which appropriately restrict development to protect the environmental values of the site while also responding to its opportunities and constraints.</p>
<i>Increased opportunities to develop residential flat and townhouses in new residential flat and townhouse zones close to selected centres</i>	While the site is not located within a centre, it is in proximity to a number of local centres as well as the Sutherland and Miranda strategic centres.
<i>Encourage concentration of residential flat development in existing residential flat zones by a general increase in the permitted floor space ratio from FSR</i>	The planning proposal seeks a residential zoning and a built form and typology which is appropriate for the subject site and its specific opportunities and constraints. This has resulted in a medium density FSR of 0.7:1 being proposed and with a height allowing for the building footprint to be appropriately limited and integrated with topography so as to maximise landscaping, minimise building footprint, and respond to the opportunities and constraints. This has also been ensured through the provision of 50% deep soil landscaping.

<i>1:1 up to 1.2:1, and increase in height from 3 storeys to 16m (4-5 storeys) and the removal of the minimum lot size requirement</i>	While a residential flat building form may be facilitated by the planning proposal, the yield is limited to 0.7:1. As such it is not a high-density development typical of the R4 zones. In this case a residential flat building is simply the most appropriate building form to protect the environmental values of the site. The topography of the site allows this building form to be accommodated in a manner which is compatible with the character of the broader low-density neighbourhood.
<i>Encourage villa development in accessible locations with a floor space ratio bonus</i>	Villas are not proposed; however the planning proposal will allow for smaller scale dwellings.
<i>Require an increased proportion of adaptable dwellings in multi-unit developments</i>	A future Development Application will detail the required adaptable and liveable dwellings.
<i>Encourage development of ground floor flats with features which appeal to older people</i>	Dwellings are incorporated which will integrate with ground level and widen housing choice.



### Appendix 3: State Environmental Planning Policies

#### SEPPs That Apply to the Proposal

SEPP	Relevance to Planning Proposal?	Planning Proposal Consistency with SEPP?
<a href="#"><u>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 Vegetation in Non-Rural Areas</u></a>	<p>The SEPP chapter regulates management and removal of vegetation.</p> <p>The proposal will involve the management of existing vegetation on the site</p>	The proposal is consistent with the SEPP. The DCP provisions and greater landscaped area requirement are intended to retain as much vegetation on site as possible. Further assessment will occur when a development application is lodged.
<a href="#"><u>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Bushland in Urban Areas</u></a>	<p>The SEPP chapter regulates development on land adjacent to bushland zoned or reserved for public open space.</p> <p>RE1 Public Recreation and E2 Environmental Conservation zoned land adjacent to the site contains bushland and the flying fox colony.</p>	The proposal's impact on the adjacent bushland, on the flying fox colony and the vegetation on the site itself has been carefully considered and mitigated through tree retention, draft DCP provisions and a generous landscaped area requirement. These suggest that the resulting development can meet the requirements of the SEPP during development assessment.
<a href="#"><u>State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 11 Georges River Catchment</u></a>	The site is located within the Georges River Catchment. This SEPP chapter applies requirements to the preparation of Local Environmental Plans and Development.	<p>The proposal is consistent with the aims and objectives of the SEPP as defined by clause 5. The proposal will maintain a landscaped area, retain trees and vegetation and be required to comply with SSLEP2015's stormwater management clause 6.4. This will maintain or improve the quality of the site's stormwater discharges into the Georges River catchment, while maintaining or improving the environmental quality of the site itself.</p> <p>The proposal is consistent with the SEPP's General and specific planning principles because it considers the impacts on the catchment in relation to flooding and minimises disturbance of land on the site. Further assessment of stormwater impacts will take place in accordance with the LEP when the Development Application is lodged.</p>

SEPP	Relevance to Planning Proposal?	Planning Proposal Consistency with SEPP?
<a href="#"><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u></a>	The proposal will facilitate the construction of residential buildings.	The proposal is consistent with the SEPP because it does not propose any new environmental performance standards which would conflict with those of the SEPP. The resulting development will be required to meet BASIX standards at the time of lodgement.
<a href="#"><u>State Environmental Planning Policy (Housing) 2021</u></a>	<p>The SEPP facilitates development types to encourage or protect affordable rental housing.</p> <p>The SEPP will apply to the site once it has been rezoned.</p>	The proposal is consistent with the SEPP. The site is not within 800m of a train station, and therefore is not subject to all of the development types managed by the SEPP. Should a future owner of the site prefer to develop the site under this SEPP, it would be subject to development assessment including consideration of the proposed DCP provisions.
<a href="#"><u>State Environmental Planning Policy (Planning Systems) 2021</u></a>	The SEPP will apply to the subsequent development assessment process but does not directly apply to the planning proposal.	Imposes no requirements on the planning proposal.
<a href="#"><u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u></a>	The SEPP regulates exempt and complying development codes which may apply to the resulting development.	The proposal is consistent with the SEPP. The site is environmentally sensitive land, being in close proximity to the flying fox colony, sloping, with significant vegetation. The proposal limits the application of some complying development codes to the site through the use of the Terrestrial Biodiversity Environmentally Sensitive Land map layer. This is an established mechanism for ensuring that redevelopment of the site is assessed through a development application, rather than through complying development. The Housing Alterations Code and other some other codes will still apply to the site and may be utilised by future residents.
<a href="#"><u>State Environmental Planning Policy (Transport and Infrastructure) 2021</u></a>	<p>The SEPP regulates development for or related to infrastructure.</p> <p>The site contains an electricity transmission easement.</p>	<p>The proposal is consistent with the SEPP. The development standards, development concept and draft DCP provisions have been designed to minimise the impact of development on the electricity easement at the northern end of the site.</p> <p>The resulting development will not trigger the threshold for referral of the Development Application to TfNSW Roads on the basis of traffic generation.</p>



SEPP	Relevance to Planning Proposal?	Planning Proposal Consistency with SEPP?
<a href="#"><u>State Environmental Planning Policy (Resilience and Hazards) 2021</u></a>	The SEPP regulates development on and remediation of contaminated land.  Site has no known contamination.	The proposal is consistent with the SEPP. The site has been used as Sylvanvale Head Office, an indoor hydrotherapy swimming pool, the Aspect School and a Sylvanvale owned childcare (which is to remain on a separate lot). There is no known history of contamination on the site, nor has it been used for any past contaminating use. Further investigations will be undertaken as part of the development assessment process.
<a href="#"><u>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</u></a>	SEPP regulates design of residential flats.  The proposal seeks to make residential flats permissible on the site via an APU.	The proposal is consistent with the SEPP. The proposal uses lower scale development standards for a residential flat development such as an FSR of 0.7:1 and a height limit of 16m. Development of that scale can be accommodated on this site in compliance with the Apartment Design Guide. The preliminary architectural concept proposal and proposed DCP provisions have been considered by Council's Design Review Panel as required by the SEPP.
<a href="#"><u>State Environmental Planning Policy (Industry and Employment) 2021</u></a>	The SEPP regulates development for signage and advertising. The proposal may make use of signage or advertising at the development stage.	The proposal is consistent with the SEPP. Any signage or advertising undertaken as part of the development will be considered as part of the development assessment process.

#### SEPPs That Do Not Apply to the Proposal

SEPP or Deemed SEPP	Applies to the Shire	Applies to the Site	Applies to the Proposal
<a href="#"><u>State Environmental Planning Policy (Resources and Energy) 2021</u></a>	Yes	Yes	No
<a href="#"><u>State Environmental Planning Policy (Primary Production) 2021</u></a>	Yes	Yes	No
<a href="#"><u>State Environmental Planning Policy (Precincts—Central River City) 2021</u></a>	Yes	No	No
<a href="#"><u>State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021</u></a>	No	No	No
<a href="#"><u>State Environmental Planning Policy (Precincts—Regional) 2021</u></a>	No	No	No
<a href="#"><u>State Environmental Planning Policy (Precincts—Western Parkland City) 2021</u></a>	No	No	No
<a href="#"><u>Town and Country Planning (General Interim Development) Ordinance</u></a>	Yes	No	No



## Appendix 4: Section 9.1 Directions

Direction Name	Relevance
<b>Focus Area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	See Below
1.2 Development of Aboriginal Land Council Land	Not Relevant
1.3 Approval and Referral Requirements	See Below
1.4 Site Specific Provisions	See Below
<b>Focus Area 1: Planning Systems – Place Based</b>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Relevant
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Relevant
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Relevant
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Relevant
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Relevant
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Relevant
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Relevant
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Relevant
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Relevant
1.14 Implementation of Greater Macarthur 2040	Not Relevant
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not Relevant
1.16 North West Rail Link Corridor Strategy	Not Relevant
1.17 Implementation of the Bays West Place Strategy	Not Relevant
<b>Focus Area 2: Design and Place</b>	
No Directions at Present	
<b>Focus Area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not Relevant
3.2 Heritage Conservation	See Below
3.3 Sydney Drinking Water Catchments	Not Relevant
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Relevant
3.5 Recreation Vehicle Areas	Not Relevant
3.6 Strategic Conservation Planning	Not Relevant
<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flooding	See Below
4.2 Coastal Management	Not Relevant
4.3 Planning for Bushfire Protection	See Below
4.4 Remediation of Contaminated Land	See Below
4.5 Acid Sulfate Soils	See Below
4.6 Mine Subsidence and Unstable Land	Not Relevant
<b>Focus Area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	See Below
5.2 Reserving Land for Public Purposes	Not Relevant
5.3 Development Near Regulated Airports and Defence Airfields	Not Relevant

5.4 Shooting Ranges	Not Relevant
<b>Focus Area 6: Housing</b>	
6.1 Residential Zones	See Below
6.2 Caravan Parks and Manufactured Home Estates	Not Relevant
<b>Focus Area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	Not Relevant
7.2 Reduction in Non-Hosted Short-Term Rental Accommodation Period	Not Relevant
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Relevant
<b>Focus Area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not Relevant
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	Not Relevant
9.2 Rural Lands	Not Relevant
9.3 Oyster Aquaculture	Not Relevant
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Relevant

### 1.1 Implementation of Regional Plans

The direction applies to the proposal, because the site is within the area covered by the Greater Sydney Region Plan, A Metropolis of Three Cities. As noted in the strategic alignment appendix, the planning proposal aligns with the intent and strategies of the Greater Sydney Region Plan. Therefore, the proposal is consistent with this direction.

### 1.3 Approval and Referral Requirements

The direction applies to planning proposals generally. The proposal is consistent with this direction because it does not seek to introduce any new referral, consultation or concurrence requirements into the LEP.

### 1.4 Site Specific Provisions

The direction applies to planning proposals which allow a particular development to be carried out, and therefore applies to this proposal. The proposal is consistent with this direction because it does not seek to introduce overly specific provisions into the LEP. It makes use of development standards which already exist in the LEP and proposes a site specific DCP to address matters specific to this site.

### 3.2 Heritage Conservation

This direction applies because the site could potentially contain indigenous archaeology.

Consistent. While the site could potentially contain indigenous archaeology the following factors make it unlikely that any will be uncovered or disturbed:

- The site is not located within or in proximity to a heritage conservation area or heritage item. Council's 2004 study of indigenous archaeology in the Georges River and Woronora River catchments (Mary Dallas Consulting Archaeologists 2004) does not identify any known finds or items within the site boundaries. Further, a search of

the AHIMS database in July 2022 identifies no known finds or sites within or in proximity to the boundaries of the site.

- It is also considered that there is minimal impact for potential aboriginal heritage, considering that the primary building area of the site has been built upon or heavily disturbed in the past. The proposed development scheme is designed to restrict any new development to the existing disturbed area of the site.

Further, the applicant's heritage constraints analysis identifies that the heritage potential on the site is within the footprint of the existing buildings and cannot be assessed until they are demolished. The analysis recommends further heritage analysis be undertaken prior to construction in consultation with the La Perouse LALC.

#### 4.1 Flooding

A small area of the site's southern end is identified as flood prone in a flood study undertaken by the proponent. Under the proposal, this area would not be within the building footprint. The use of a 50% landscaped area development standard, plus site specific DCP provisions will constrain future development to areas which are outside the flood planning area. This would lead to a safe outcome in which resident evacuation would not be necessary during a flood, and property damage would be minimised. The retention of existing vegetation and a 50% landscaped area on the site will contribute to mitigating runoff and downstream flood impacts. These will be formally considered as part of the development assessment process.

The direction specifies: *"(5) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Environmental Protection Zones to a Residential, Business, Industrial or Special Purpose Zones."*

It would appear that the proposal must be inconsistent with this portion of the direction.

The direction at (6) as specifies that a planning proposal must not contain provisions which will: *"(d) permit a significant increase in the development and/or dwelling density of that land,"*

Given that the proposal involves rezoning from SP2 Infrastructure to R2 Low Density Residential, it would appear that the planning proposal cannot be consistent with this requirement either.

The inconsistency with these two requirements is justified in this case because the proponent has provided a flood assessment which demonstrates that the resulting development can meet Council's requirements, and also because the flood affectation applies to a small portion of the site which will not be within the building footprint.

#### 4.3 Planning for Bushfire Protection

This direction applies to the site because a small portion of the site at the north is within a buffer on the Sutherland Shire bush fire prone land map. The proposal is consistent with this direction because the applicant has demonstrated that appropriate asset protection zones and mitigation measures can be implemented by the development. The asset protection zones can be managed as common property by the future residents of the development. Consultation with the Rural Fire Service can occur following the Gateway Determination.

#### 4.4 Remediation of Contaminated Land

This direction applies because the site could potentially contain land which has been contaminated by past human activity.

Consistent. In 1886 the land was included in a gazetted reserve for recreation and other public purposes. In aerial photography between 1930 and 1961 it appears vegetated with no roads, buildings or other development. In 1966 part of the Garnet Road crown road reserve was released for use by Sylvanvale's predecessor. The site was zoned for use by the "handicapped children's centre" in 1968.

By 1970 the first buildings which form part of Sylvanvale current campus on the site were constructed, including a swimming pool. Between 1978 and 1984 the campus expands further in the centre of the site with additional buildings. Further clearing to expand parking in the northern part of the site is visible between 2001 and 2012. As none of the uses undertaken on the site are of an industrial nature, the likelihood of land contaminating activity is low. For more information about the site's history, see the heritage constraints analysis.

#### 4.5 Acid Sulfate Soils

This direction applies to the proposal because the site is mapped as having Class 5 acid sulfate soils in the Sutherland Shire Local Environmental Plan 2015. The proposal is consistent with the direction. Being mapped as class 5 acid sulfate soils does not mean the site actually has acid sulfate soils on it. Class 5 just means the site is within 500m of an area mapped with acid sulfate soils class 1 to 4. The existing LEP provisions will apply to the development resulting from the planning proposal and this is considered sufficient to address the requirements of this direction.

#### 5.1 Integrating Land Use and Transport

This direction applies because the proposal will apply a residential zone to the site. The proposal is consistent with this direction. The R2 Low Density Residential zone is consistent with other residential land outside of a centre or walking catchment of a railway station. However, because of the unique qualities of this site the most appropriate form of residential development are residential flats that allow the majority of the site to be preserved as landscaped area. The APU is a mechanism for ensuring that the development can be contained to the smallest footprint on the site possible and providing better residential amenity in the presence of the flying fox colony. The APU's FSR of 0.7:1 is typical of the R3 Medium Density residential zone and not far above the 0.55:1 FSR applied across the R2 Low Density Residential zone. This intensity of development is suitable for the site.

The site is around 400m walk from Bus stops on Garnet Road and Marshall Road. Services at these bus stops will connect residents to Miranda (major shopping centre, train station and bus interchange), Kareela (local shopping centre) and Jannali (local shops and train station). These services operate at 10-30 minute intervals during the day. A traffic impact assessment has been undertaken by the proponent to confirm that the existing road network can accommodate the traffic generated by the proposal.

### 6.1 Residential Zones

The direction applies because the proposal relates to a proposed residential zone. The proposal is consistent with the direction because it provides additional land within the R2 Low Density Residential zone. This will lead to an increase in the supply of homes in the Sutherland Shire. It makes efficient use of existing infrastructure and services because these are already available at or near the site. It reduces the demand for land and housing on the urban fringe by providing new housing supply in an existing suburban area. The proposed DCP provisions and development standards create a landscaped setting and retain the existing tree canopy which will contribute to the design quality of the development. The proposed Additional Permitted Use provision would allow development for residential flats, a form of housing which is scarce in this suburb, thus contributing to housing choice.



## Appendix 5: Environmental Planning Discussion

Specialist consultants have been engaged to assist in developing a potential future design taking into consideration the opportunities and constraints of the subject site. The consultants include: Surveyor, Flooding, Bushfire, Ecology, Arborist, Traffic & Parking, Architect, Landscape, Heritage and Stormwater.

The analysis below includes a summary of the findings of the planning and environmental analysis.

### **1. Existing Development and Site Setting**

The subject site at 147 Garnet Road, Kareela (part of Lot 1142 DP752064), is approximately 9538m<sup>2</sup> in size and currently zoned SP2 Educational Establishment under the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015).

The subject site currently contains the Sylvanvale Head Office, indoor pool, an educational establishment and childcare centre.

The site is located 1.4km away from GyMEA Train Station and 400m from the closest bus stop. While the site is not located in close proximity to a town centre, shops and services are located approximately 1km walking distance at Kareela shopping centre (500m as the crow flies). The surrounding residential area is zoned R2 Low Density, and the development in the surrounding area is reflective of this being mostly single dwelling houses in a landscaped setting. The site is located in a leafy locality, isolated from residential development to the north and west by Sir Joseph Banks Native Plant Reserve. This Reserve acts as a buffer and includes high quality native vegetation. The site sits below the ridge of vegetation located on the Reserve.

To the northeast is Bates Drive School which caters to children with special needs. The southern boundary abuts the Sylvanvale childcare centre, which is to be retained. To the southeast is a large parcel of open space (including the Harrie Denning Soccer Centre), and further east, Kareela Oval. This open space contains a protected grey headed flying fox (GHFF) camp. The northern end of the site is burdened by an easement for electricity transmission. Access to the site is via an existing right of way from Mikarie Place. While the site is generally located in a low-density residential area, the site does not directly adjoin any residential properties. The site's immediate context is characterised by large institutional buildings within a bushland setting. The site's irregular shape and topography contributes to its unique features. Positioned on the side of a hill and sloping approximately 13m from the west to the eastern boundary. The site has varied topography including previously excavated land where existing buildings are sited, steep sections, a number of natural rock outcrops and areas of remnant vegetation. The site's topography coupled with its isolation from existing residential context makes it able to be considered for denser residential development.

The site is unique in that it is a large site, surplus to Sylvanvale's needs, located within an established urban area and yet it has no immediate residential neighbours. However, the

site is constrained by a transmission easement, contains significant vegetation, is bush fire prone and is in proximity to a protected GHFF camp. These opportunities and constraints need to be carefully managed to ensure the best long-term outcome from the redevelopment of the site.

## **2. Vehicular and Pedestrian Access, Traffic and Parking**

The proposal provides the opportunity for all traffic and required parking generated by the future rezoning to be accommodated for on site. This is in contrast to the existing development which results in a significant overflow of parking into the surrounding streets. This is considered a positive outcome for the surrounding road network.

The concept vehicular access and circulation is logical and achievable. The site currently has direct access from Mikarie Place leading to the existing childcare centre on site and Bates Drive Public School beyond. This existing access is positive in that it is able to be used also to provide vehicular access to future dwellings on site also. This allows for the removal of the other existing vehicular access to the site via Garnet Road and replacement with new vegetation, which will contribute to the landscaped character of the street and minimise the visual impact of the proposal as viewed from the street.

A specialist report has been prepared by McLaren Engineering and provided under separate cover, addressing parking, servicing, loading, traffic generation, etc and demonstrating that the planning proposal suitably addresses these considerations.

## **3. Topography**

The significant landforms and steeply sloping portions of the site have been considered in the creation of the concept architectural plans, driving the arrangement of dwellings and access to these while also considering amenity for future dwellings (including solar access). Dwellings can be stepped and provided with levels which respond to the varied topography of the site. This stepping and positioning of dwellings is positive in that it allows for maximised outlook, solar access and privacy for future dwellings. A 16m height can be accommodated within the slope of the land.

## **4. Existing Vegetation**

Given the numerous trees on site, a Preliminary Tree Assessment has been prepared by Jacksons Nature Works and is submitted under separate cover.

Key findings within this preliminary assessment include a number of trees capable of being removed from site without consent, trees to be removed, and the numerous trees to be retained. It is noted that tree retention is preferable where possible.

Concept architectural plans prepared by Couvaras Architects also demonstrate that a high percentage of landscaped area can be provided on site, indicating that numerous trees are likely to be able to be retained and that high quality landscaping is capable of being provided throughout the site. Furthermore, there are several areas of non-calculable

landscaping (above basement parking) that will support future tree plantings. The bushfire affectation and easement for electricity transmission also facilitate the retention of numerous trees. Accordingly, the total area of deep soil landscaping and non-deep soil landscaping able to be achieved on site will be generous. The Planning Proposal requires 50% landscaped area (deep soil) which seeks to preserve the landscaped character of the site.

## **5. Views and Solar Access**

The site has outlook to surrounding vegetation, including at Joseph Banks Native Plants Reserve. The subject site is large in nature with opportunity for solar access from various directions.

The subject site has good northerly orientation, and the concept plans indicate that the siting of any residential component would achieve high exposure to northerly sunlight. The concept plans indicate that 74% of the dwellings would achieve at least 2 hours solar access to living areas on June 21 between 9am and 3pm. Only 7% of the dwellings would achieve no sunlight to living areas in the same period. This indicates that development on the site can meet the design criteria in section 4A of the Apartment Design Guide.

The design of the concept proposal indicates that the future development is acceptable in terms of potential overshadowing. The architectural plans include shadow diagrams which indicate the resulting development will not overshadow any existing dwellings between 9am and 3pm on the 21<sup>st</sup> of June.

## **6. Flooding**

The site is partially identified as being subject to Initial Assessment for flooding along the south-eastern boundary. Accordingly, a preliminary assessment of flooding on site has been commissioned by FloodMit. This has revealed that there is an existing block wall along the southern boundary which appears to have been constructed to provide some flood protection for the site, and accordingly this wall is intended to remain so as to retain the protection of the site.

It is noted that the provided concept plans have generally avoided placing dwellings in the flood affected area of the site.

The report prepared by FloodMit notes:

*“Sutherland Shire Council has adopted a flood risk classification that divides the floodplain into the following flood risk areas:*

*High Flood Risk – Land below the 100-year flood that is subject to a high hydraulic hazard or where there are significant evacuation issues;*



*Medium Flood Risk – Land that is below the 100-year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation issues;*

*Low Flood Risk – All other land that could be potentially inundated up to the Probable Maximum Flood (PMF).*

*The flood risk classification is used by Council to determine the controls that apply to future development. All development is mostly restricted from the high flood risk area; development within the medium flood risk area is usually permissible subject to satisfying various flood related development controls; and most development is permitted within the low flood risk area with minimal flood related development controls.*

*A map showing the different flood risk precincts in the vicinity of the site is provided ..... The site would be classified as being partially within a “Low Flood Risk” area and partially within a “Medium Flood Risk Area”. The extent of the medium flood risk area would increase if the southern boundary wall were removed. This would impact mostly on proposed Lot 105, where it has been proposed to retain the majority of classroom buildings and driveways.”*



Source: Floodmit

**Figure 22: Flood Risk Management Precinct Map Extract**

The report further notes: “Flood related development controls will apply to all land that has been identified as being within the medium and low flood risk areas, as shown on Figure 8. This mainly affects proposed lot 105 (where no new development is proposed) and a small portion of the southeast corner of proposed lot 104 (which partially impacts on proposed Block D which contains 2x 3 bed villas. .... Habitable floor levels need to be 0.5m above the 100-year flood level (shown on Figure 7). The 100-year flood level is approximately RL 37.0m AHD, requiring a minimum floor level of RL 37.5m AHD.

*The proposed ground floor level of Block D was shown on previous architectural drawings (Issue C) at RL 37.46m AHD. This is close to Council's minimum requirement, and can comply with minor variation to the design floor level.*

*The latest architectural drawings (Issue J) do not show the ground floor level of Block D, but it would appear that the building has been elevated by approximately 0.2m. It is assumed that the minimum floor level requirement has been complied with.*

*All other proposed buildings are outside the low flood risk area and not subject to flood related development controls."*

The report also contains recommendations for basement protection, evacuation procedures etc. It demonstrates that flood risk can be suitably managed for the proposed development.

Notably the proposed development will not make flooding worse for any adjoining sites in the 1:100-year flood. With respect to any potential evacuation, all future dwellings will be above the Probable Maximum Flood (PMF) so there would not really be any need to evacuate. Where people do need to leave the site, and if there was any affectation to the southeast corner in a major flood event, the cars could use the loop road to get out.

## **7. Bushfire**

Asset Protection Zones constrain development along the northern, western and south-eastern boundaries.

This has been further investigated by Building Code & Bushfire Hazard Solutions who have provided the below overlay demonstrating the required Asset Protection Zones (APZ) in accordance with Planning For Bushfire Protection.



Source: BCBHS

**Figure 23: APZ Overlay Extract**

The above overlay requires:

- 14m setback from the south-eastern boundary
- 14m setback from the northern boundary
- 11m setback from the western boundary.

The provided architectural concepts demonstrate compliance with each of the required asset protection zones. It is noted that while the Asset Protection Zones constrain and inform the location of future dwellings, they also provide opportunity for deep soil landscaping in these areas to contribute positively to the landscaped character of the site and locality.

The future residential development will also incorporate all other relevant bushfire protection measures as required by the NSW Rural Fire Service. This includes:

- water supply (hydrants complying with AS2419),
- construction complying with AS3959 (e.g.: Bushfire Attack Level ratings – materials selection, glass needed or type of timbers/restrictions etc) and
- internal access provisions. Notably the new road design facilitates fire truck movement within the grounds, which is a positive.

Part of the site will be repurposed from a listed special fire protection use under the NSW Rural Fires Act 1997 to a lower risk residential use. Fire Protection will be better on site after the development takes place than currently.

## **8. Services, Easements etc**

The available survey shows that the site is affected by an easement for transmission 30.48m in width along the northern boundary. Accordingly, the concept plans prepared by Couvaras Architects do not provide residential built forms within the easement for transmission. While the easement for transmission restricts the location of built forms, it provides opportunity for the retention of numerous trees.

There are no other known services constraints, easements or restrictions on title. All services and utilities are currently available to the subject site and can be readily amplified to meet the demands of any redevelopment on site.

## **9. Surrounding Noise Sources**

The site is immediately adjoined by bushland, Bates Drive School and low-density residential development. Accordingly, existing noise sources are likely to result from the nearby school and local intermittent traffic.

Development Control Plan provisions seek to ensure a high level of amenity by protecting the acoustic and visual privacy of occupants within all built development and in private open spaces.



## 10. Heritage

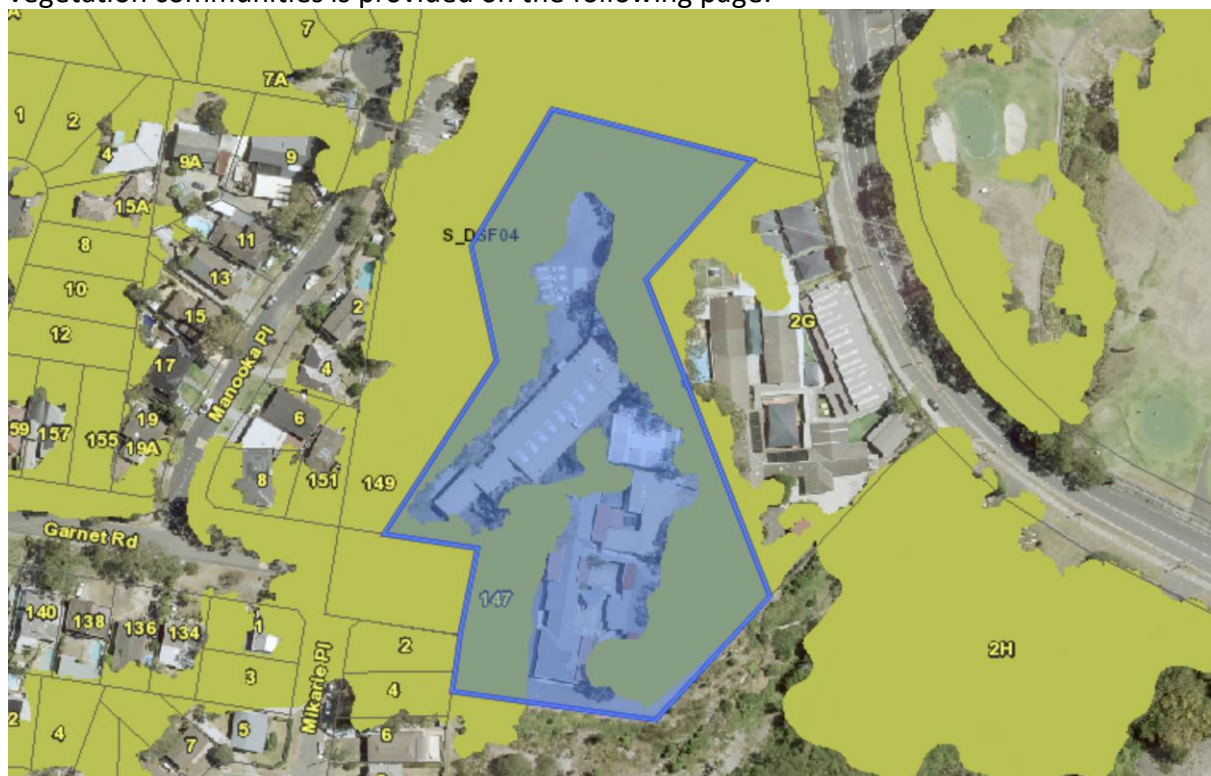
There are no buildings or items of heritage significance identified under Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) on or in close proximity to the site. The site is not located within a heritage conservation area.

## 11. Acid Sulfate Soils

The site is identified as being partially affected by Class 5 acid sulfate soils. This is generally an identification which can be managed by appropriate design and construction methods. Generally, it is not an issue where future development does not lower the water table below 1m AHD on land affected by Class 1, 2, 3 or 4 acid sulfate soils. It is not anticipated that this identification would have significant impact upon future development.

## 12. Ecology

The subject site is identified as containing vegetation communities (Coastal Enriched Sandstone Dry Forest). An excerpt of Council's mapping showing the extent of the vegetation communities is provided on the following page:



Source: Shire Maps

Figure 24: Vegetation Communities Map Extract

Given the numerous trees and other vegetation on site and the potential for this to provide habitat and food for fauna, an Ecological Constraints Assessment has been prepared by Ecoplaning. Key findings within this assessment are summarised below:

### Direct Impacts

- **Vegetative clearing:** *"The proposed rezoning is not likely to require vegetation clearing, however, development of the proposed units and APZ will remove or modify*

up to 0.48 ha of Coastal Enriched Sandstone Dry Forest (Figure 4.1) [in the Flora and Fauna report]. The assessment is potentially a worst-case scenario as there may be opportunities to retain more native vegetation, and APZs are not likely to remove all vegetation. The vegetation type requiring removal and/or modification to facilitate the proposed rezoning and development is displayed in [the figure below]"

Plant Community Type	BC Act	EPBC Act	Study area (ha)	Development footprint (ha)*
Coastal Enriched Sandstone Dry Forest (PCT 1776)	No	No	0.55	0.48
<b>Total vegetation</b>			<b>0.55</b>	<b>0.48</b>

Note: subject to rounding errors.

- **Loss of fauna habitat:** "The proposed rezoning and future development will remove up to 0.48 ha of fauna habitat (i.e. structural complexity, leaf litter, outcropping rock) within the study area. This provides potential shelter, forage and roosting habitat for a suite of fauna, including birds, bat and arboreal mammal species."

## Indirect Impacts

"A Plan of Management PoM has been developed for this GHFF camp (ELA 2013). The POM makes specific mention in regard to minimising the impact to the GHFF camp by any redevelopment of the 'adjacent schools'."

## Avoidance and Mitigation

- **Vegetation Clearing:** "Development of the site should seek to minimise vegetation clearing, and seek to use species characteristic of Coastal Enriched Sandstone Dry Forest in landscaping.
- **Pre-clearance protocols:** "No hollow bearing trees were identified on the subject site. As such, it is not necessary for an ecologist to be present onsite during the removal of the native vegetation proposed for removal in the subject site. However, several fauna species such as birds, arboreal mammals and amphibians may be present in the subject site. Appropriate pre-clearance protocols will be put in place at the time of construction to avoid and mitigate any potential harm or injury to these individuals.
- **Grey-headed Flying-fox:** Demolition of the existing buildings and building the future development will create excessive dust and noise that may affect the camp. A fauna management plan is required to guide the demolition and construction period to minimise impacts to GHFF in a manner consistent with the relevant policy and plans, such as DoEE (2017) and ELA (2015). The fauna management plan will (amongst other things):
  - identify times of year when GHFF may be more susceptible to disturbance start and end times for workers.
  - Appropriate monitoring of the camp during time when excessive dust or noise will be generated;
  - Preferentially retain winter flowering *Eucalyptus* sp. and *Corymbia* sp.
  - Triggers for stop work
  - A monitoring program."

## Legislative Context

- **Commonwealth Listings:** *“The significance of the impact that the proposal would have on Commonwealth listed threatened flora/fauna and migratory species assessed as having a ‘moderate’ likelihood of occurring (Appendix A) [in the Flora and Fauna report] was considered by applying the Significant Impact Criteria (Appendix C) [in the Flora and Fauna report]. The species assessed was Pteropus poliocephalus (Grey-headed Flying-fox). Assessment of the threatened species against the relevant components of the Significant Impact Guidelines Commonwealth Department of the Environment (DoE) (2013) concluded that, provided construction was conducted following a clear set of protocols (i.e. a fauna management plan) endorsed by council, impacts to the camp are unlikely.”*
- **State Listings:** *“Impact assessment in accordance with Part 7.3 of the BC Act (i.e. the ‘Test of Significance’) and the associated guidelines (OEH 2017) have been undertaken. These assessments found that the proposal was not likely to result in a significant impact. Specifically, impact to GHFF were not considered significant assuming that construction would be undertaken in accordance with a clear set of protocols (i.e. a fauna management plan) endorsed by council.”*

The Flora and Fauna report concludes:

*“This report considered the potential impacts to threatened species, populations and ecological communities with respect to the proposed rezoning and future development of units at Lot 1142 // DP 752064 and Lot 1 // DP 225581 (147 Garnet Road, Kareela, NSW 2232). The proposal would remove or modify up to 0.48 ha of Coastal Enriched Sandstone Dry Forest.*

*No threatened flora species listed under the EPBC Act or BC Act were identified in the study area during field assessment.*

*One threatened fauna species listed under the BC Act and EPBC Act, the GHFF, was recorded adjacent to the study area during field assessment. A GHFF camp is located adjacent to the site. The camp is the subject of regular monitoring and the population is often numbers 2,500 to 10,000 individuals, however, monitoring during 2019 consistently counted 500 to 2,500 individuals. During an inspection of the camp on 17 March 2022, GHFF were observed roosting between 5m and 10m above ground level, with the resident population numbers on the day of the survey between 90 and 140 individuals. However, a more recent inspection of the camp (12 August 2022) failed to record any individuals or evidence of recent use.*

*An additional five threatened fauna species were assessed as having a ‘moderate’ likelihood of occurring in the study area. Impacts to these threatened and migratory species will not be significant in accordance with Section 7.3 of the BC Act and the EPBC Act Significance Assessments (Appendix C) [in the Flora and Fauna report]*

*Mitigation measures have been recommended in Section 4.3. [in the Flora and Fauna report]. To avoid the potential for the proposal to significantly impact the GHFF camp, a Council approved Fauna Management Plan is required to prescribe the actions necessary to minimise potential impacts during the demolition and construction phases. The Fauna Management Plan will:*

- *Identify times of day when GHFF may be more susceptible to disturbance*
- *nominate start and end times for workers*

- *describe appropriate monitoring of the camp during time when excessive dust or noise will be generated*
- *include triggers for stop work*
- *detail a monitoring programme*

*In addition future landscape planting of the study area should use flora species characteristic of Coastal Enriched Sandstone Dry Forest.”*

The proposal is also accompanied by a specialist Grey-headed Flying-fox Fauna Management Plan, prepared by Ecoplaning and provided under separate cover, addressing the existing registered camp to the south east of the site. This includes the following:

*“Specialist lighting (Lighting, Art, Science 2020) and noise (Koikas Acoustics 2020) reports were commissioned as part of the preparation of the FMP to determine the current and perceived future noise and lighting levels at the site and develop appropriate mitigation measures.”*

*“The noise assessment concluded that future domestic noise sources emanating from the new building development is unlikely to impact the GHFF colony and that the proposed building development can be sufficiently insulated against noise generated by the nearby GHFF colony through the use of standard building materials and will satisfactorily reduce noise and meet the nominated noise criteria (Koikas Acoustics 2020).”*

*“General mitigation measures that should be considered as part of impact assessments for future developments include:*

- *Increase spacing between powerlines to avoid potential electrocution of GHFFs (DoEE 2017).*
- *Avoid planting new vegetation species within the study area that would encourage the GHFF to use the study area and, therefore, be more susceptible to other negative impacts*
- *Future landscape planting of the study area should use flora species characteristic of Coastal Enriched Sandstone Dry Forest (Ecoplanning 2020)*
- *Implementation of noise and lighting mitigation measures to reduce disturbance to the GHFF camp.”*

### **13. Archaeology**

The applicant’s heritage constraints analysis finds no records of indigenous archaeology on the site and only 4 known finds within 1000m of the site. After an inspection of the site, the remaining archaeological potential was found to be within the footprint of existing buildings and could only be investigated following their demolition. Further archaeological assessment will be required at the next stage of the development once the existing buildings have been removed.

### **14. Proposed Development**

The massing model prepared by Couvaras Architects provides an overhead view of the concept plans. This demonstrates the ability of the proposed built forms to integrate with the existing site topography and vegetative character. It is noted that this image allows for an overall outlook of the built forms provided on concept plans, however when viewed

within the site or from surrounding areas these forms would not be widely visible due to local topography and surrounding vegetation. Further, it is noted that this image relates to concept plans only. The site will be subject to a development application, with future further developed plans and images to be detailed with a variety of complementary colours, materials and finishes to integrate with the leafy character and visually break down the built form.





## Documents Under Separate Cover

Draft Development Control Plan Provisions

Plans and Architectural Concept Designs

Flood Report

Traffic & Parking Report

Ecological Assessment Report

Grey Headed Flying-fox Fauna Management Plan

Arboricultural Report

Stormwater Concept Plans

Landscape Concept Plans

Bushfire Report

EPBC Act Decision and Conditions

Heritage Constraints Analysis

