

# PLANNING PROPOSAL

Site Specific Changes to Height and FSR  
Development Standards at

**Nos. 544-550 Box Road,  
Jannali**

Prepared for:

**Jannali No. 1 Pty Ltd**

2d Brunner Road

Chullora NSW 2190

Prepared by:

**GSA PLANNING**

Urban Design, Environmental & Traffic Planners

(A.B.N 18 003 667 963)

95 Paddington Street, Paddington NSW 2021

p: 02 9362 3364

e: [info@gsaplanning.com.au](mailto:info@gsaplanning.com.au)

JOB NO. 22414

October 2023

© GSA PLANNING 2023



This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

No reproduction of this document or any part thereof is permitted without prior written permission of GSA Planning.

Job No: 22414

Revision No: **Client Review: 11 October 2023**  
**Final: 18 October 2023**

Report prepared by: **Yvette Middleton**  
Consultant Senior Associate r

**Gavin Kerst**  
Assistant Planner

Report reviewed by:



**George Karavanas**  
Managing Director

Date : 18 October 2023

For and on behalf of **GSA Planning**  
95 Paddington Street  
PADDINGTON NSW 2021

© **GSA PLANNING 2023**

This document is and shall remain the property of George Karavanas Planning Pty Ltd (trading as GSA Planning). The document may only be used for the purposes for which it was commissioned and in accordance with the Letter of Instruction. Unauthorised use of this document in any form whatsoever is prohibited

## CONTENTS

<b>1.0 INTRODUCTION .....</b>	<b>6</b>
<b>2.0 SITE DESCRIPTION .....</b>	<b>8</b>
2.1 REGIONAL CONTEXT .....	8
2.2 HISTORIC DEVELOPMENT OF JANNALI & JANNALI TOWN CENTRE .....	9
2.3 TOPOGRAPHY .....	11
2.4 TRANSPORTATION & TRAFFIC NETWORK .....	12
2.5 OPEN SPACE, RECREATION & COMMUNITY FACILITIES .....	13
2.6 LOCAL CONTEXT .....	14
2.7 SITE DESCRIPTION AND EXISTING BUILT FORM .....	16
2.8 EXISTING CHARACTER AND CONTEXT .....	17
2.9 NEARBY APPROVALS .....	19
2.10 NEARBY PLANNING PROPOSAL .....	20
<b>3.0 PART 1 - OBJECTIVES OR INTENDED OUTCOMES .....</b>	<b>21</b>
<b>4.0 PART 2 – EXPLANATION OF PROVISIONS .....</b>	<b>22</b>
4.1 BUILDING HEIGHT .....	22
4.2 FLOOR SPACE RATIO .....	26
4.3 CONSIDERATION OF AMENITY EFFECTS .....	28
<b>5.0 PART 3 – JUSTIFICATION OF STRATEGIC &amp; SITE-SPECIFIC MERIT .....</b>	<b>33</b>
5.1 SECTION A – NEED FOR THE PLANNING PROPOSAL .....	33
5.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK .....	35
5.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT .....	44
5.4 SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH) .....	47
5.5 SECTION E – STATE AND COMMONWEALTH INTERESTS .....	48
<b>6.0 PART 4 – MAPS .....</b>	<b>49</b>
6.1 CURRENT DEVELOPMENT STANDARDS .....	49
6.2 PROPOSED REVISED DEVELOPMENT STANDARDS .....	51
<b>7.0 PART 5 – COMMUNITY CONSULTATION .....</b>	<b>53</b>
7.1 CONSULTATION WITH COUNCIL .....	53
7.2 STATE AGENCIES .....	53
7.3 COMMUNITY & STAKEHOLDER CONSULTATION .....	53
<b>8.0 PART 6 – PROJECT TIMELINE .....</b>	<b>55</b>
<b>9.0 ADDITIONAL CONSIDERATION – BUILT FORM .....</b>	<b>56</b>

## **ANNEXURES**

**ANNEXURE A:** List of SEPPS

**ANNEXURE B:** Consideration of Section 9.1 Directions

**ANNEXURE C:** 'A Guide To Preparing Planning Proposals' Checklist

**ANNEXURE D:** Evaluation Criteria for the issuing of an authorisation

**ANNEXURE E:** The Concept Proposal to Demonstrate the Proposed Building Height and FSR

**ANNEXURE F:** The Concept Proposal assessed against Sutherland Shire DCP 2015 (Chapter 16)

<b>Abbreviation</b>	<b>Abbreviation Meaning</b>
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
CBD	Central Business District
CMP	Construction Management Plan
Council	the Council
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPE	Department of Planning & Environment
EIS	Environmental Management Plan
EPAA	Environmental Planning and Assessment Act 1979
EPAR	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GCC	Greater Cities Commission formerly GSC: Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
IHAP	Independent Hearing and Assessment Panel
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
MHWM	Mean High Water Mark
NSW	New South Wales
NSWLEC	NSW Land & Environment Court
OEH	Office of Environment and Heritage
OSD	On-Site Detention
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads & Maritime Services
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TPZ	Tree Protection Zone
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design

## 1.0 INTRODUCTION

This Planning Proposal has been prepared on behalf of Jannali No.1 Pty Ltd by George Karavanas Planning Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning. This Site-Specific Planning Proposal is for two properties known as Nos. 544-546 & 548-550 Box Road, Jannali (hereafter referred to as ‘the subject site’).

The subject site is on the southern side of Box Road and the corner of Roberts Street in the Jannali Town Centre. The Town Centre dates from the mid-twentieth century and mainly comprises one & two storey retail shops and offices in fragmented ownership. Its proximity to the Jannali Railway Station is an opportunity to increase density, through shop-top housing.

Increasing density near public transport is consistent with the well-established best planning practice of increasing development potential in the centre to promote more sustainable and public transport-oriented development. However, while Jannali appears poised to change, the current LEP heights and FSR standards have so far not triggered widespread interest in redevelopment. Additionally, shop-top housing has not been actively explored in the local centre, with only limited first floor development, some of which appears to be used for business premises.

Jannali Town Centre needs regeneration. The Town Centre is showing its age and this development will provide a much-needed revitalisation of the town centre. The subject site’s planning proposal complements the proposed redevelopment of the northern side of Box Rd where Woolworths intends to build a new full line supermarket as well as additional residential units.

The Site-Specific Proposal supports the growth of the area, particularly in reference to the recent planning proposal for a car park at No. 42a Railway Crescent, currently under assessment, and the growth and activity it will encourage; and other development applications nearby.

The proposal would inject new residents and additional businesses into the local centre, which increases demand for shops and services. The development will provide additional retail space in Jannali. An enhanced streetscape would improve public amenity at the intersection of Roberts St and Box Rd. More off street carparking will be providing as well as provision for off street deliveries for the retail tenancies.

The development provides more housing supply at a time when there is a housing supply crisis in NSW. The development is close to Jannali train station; supporting the State Government’s approach to increasing housing supply near transport hubs. It provides an opportunity for young people and older downsizers who live in the Shire to stay in the Shire by buying in the local area.

Economically, during construction, the development will provide 18-22 equivalent full time (EFT) jobs on site, and an estimated 17-21 EFT indirectly.

To facilitate the redevelopment of the site and invigoration of the Jannali Town Centre, the Planning Proposal seeks to amend the Sutherland Shire Local Environmental Plan (LEP) 2015, with site-specific changes to the LEP Maps, summarised as follows:

- **Building Height proposed:** 30 metres (currently 20m)
- **Floor Space Ratio proposed:** 3.8:1\* (currently 2:1), with a requirement that minimum 0.6:1 of the total FSR would be retail/business use (including amenities and facilities).

\* The Proposed FSR is based on the current amalgamated site area.

The existing sites have commercial buildings: Nos. 544-546 Box Road is two storeys, and Nos. 548-550 Box Road is single storey; with rear car parking areas. The existing buildings have a range of mixed uses that service the community. These include eight retail/business services where the main tenant is the Australia Post Office.

Increasing the current building height limit and Floor Space Ratio (FSR) allows more retail space and new housing on the site in a more slender, innovative design, with high levels of amenity for residents. This has been amply demonstrated in the concept shop-top housing proposal which accompanies this planning proposal.

The conceptual built form to demonstrate the height and FSR proposed has been designed by Gray Puksand Architects with retail/business use on the ground and lower ground floors, while extending the ground floor retail use along Roberts Street (see **Annexure E**). The Concept shows residential storeys above the shop-top housing, and basement parking.

The Concept demonstrates a shop-top housing development on the site would provide improved streetscape connectivity to both Box Road and to Roberts Street; would provide a loading dock and parking egress for both residents and retail tenants, from Leopold Lane; would provide ADG-compliant residential accommodation above with private open space to each dwelling, and communal open space on the rooftop; and would have limited solar effects on nearby residents, due to the surrounding commercial precinct. The podium and stepped back residential levels provide a slender residential component, which can be viewed from all sides, and is visually less dominant in the streetscape. The concept design has a contemporary built form which respects and protects the integrity of the existing and future character, and nearby amenity.

A future development application could include bicycle parking and end of trip facilities within the building, an inbuilt substation (to minimise disruption of footpath areas); external bicycle racks supplied and installed in footpath areas and electric vehicle charging points on Roberts Street (to Council's specifications).

The existing sites are earmarked for potential partial land acquisition along the southern boundary by Council, to facilitate road widening of Leopold Lane. The proposal has considered the potential acquisition, from in terms of the concept proposal, however, any acquisition would be the subject of future negotiations with Council, should this proceed.

To allay any Council's concerns regarding potential bulk and scale, stepping within the proposal: from commercial to residential, and from residential to the penthouse level; will minimise perceived bulk at the street front, to complement the existing streetscape. Further discussion of the building height and FSR controls consistency with the relevant objectives are discussed in **Sections 4.1 & 4.2** of this Planning Proposal.

This report has considered the proposed form against maintaining outlooks and privacy of nearby residents and minimising overshadowing. The concept design has controlled bulk and scale to minimise any effects.

Proximity to excellent public transport services and to local retail facilities and services, will be convenient and desirable for future residents. Shop-top housing complements nearby residential uses.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning & Environment's '*Local Environmental Plan Making Guidelines*'. Following this introduction are eight sections: Section 2.0 identifies the site; Sections 3.0 to 8.0 contain the Planning Proposal; Section 9.0 provides additional information; and Appendices provide further information, including the Concept Proposal.

## 2.0 SITE DESCRIPTION

This section contains a description of the following: Regional Context, Historic Development of Jannali & Jannali Town Centre; Topography; Transportation & Traffic Network; Open Space, Recreation & Community Facilities; Local Context; Site Description & Existing Built Form; Existing Character & Context; Nearby Approvals; and Nearby Planning Proposal.

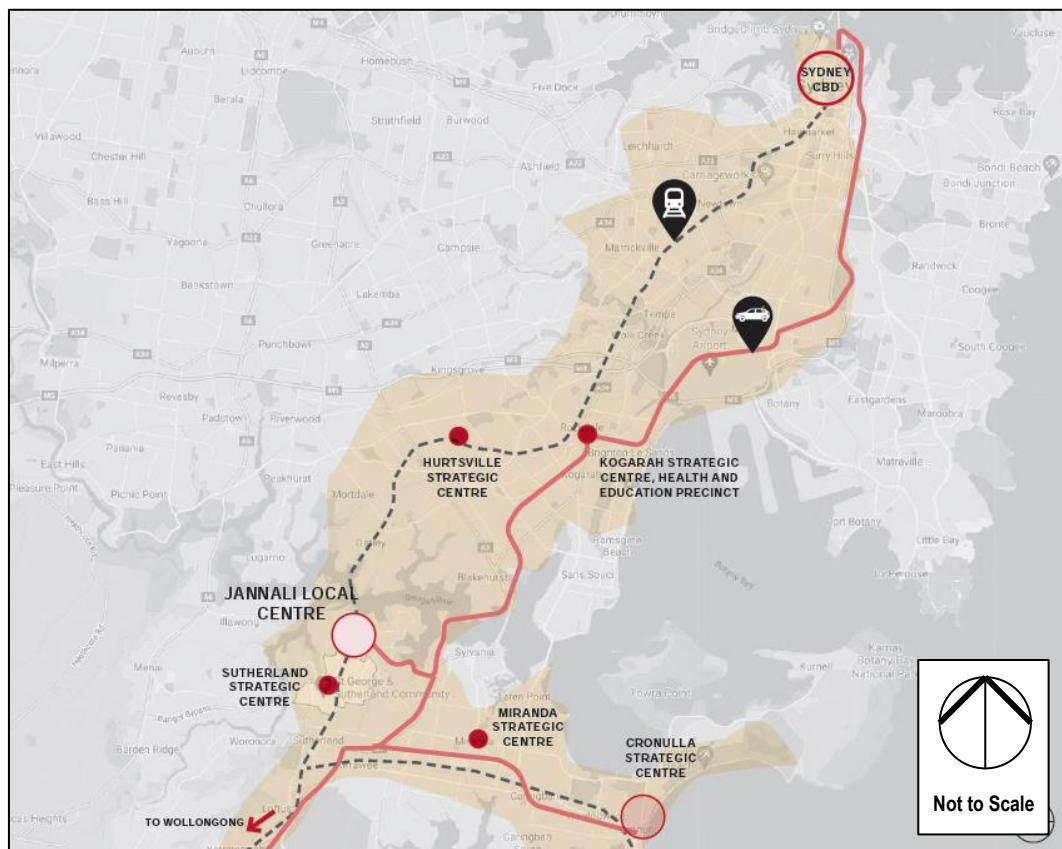
### 2.1 Regional Context

Sutherland Shire Local Government Area (LGA) has an area of 370km<sup>2</sup> and is located on the southern periphery of the Sydney Metropolitan Area (SMA).

In March 2018, the NSW State Government released the *South District Plan* (District Plan) which includes the Sutherland Shire Council LGA, together with the Georges River Council and the City of Canterbury-Bankstown. The District Plan establishes the key strategic planning directions and priorities and identifies key initiatives to accommodate growth in the South District until 2036.

In addition, in March 2018 the NSW State Government also released the *Greater Sydney Region Plan – A Metropolis of Three Cities* (GSRP), which establishes the key strategic planning directions and priorities, and identifies key initiatives that will accommodate growth in the SMA until 2036. The District Plan and GSRP identify Jannali as a ‘Local Centre’.

Jannali is located approximately 20km to the south-west of the Sydney CBD. Strategically, Jannali Town Centre is located on a railway line that provides rail connectivity to Hurstville and Sutherland, both of which are identified as a ‘Strategic Centres’ (see **Figure 1**).



Source: Gray Puksand

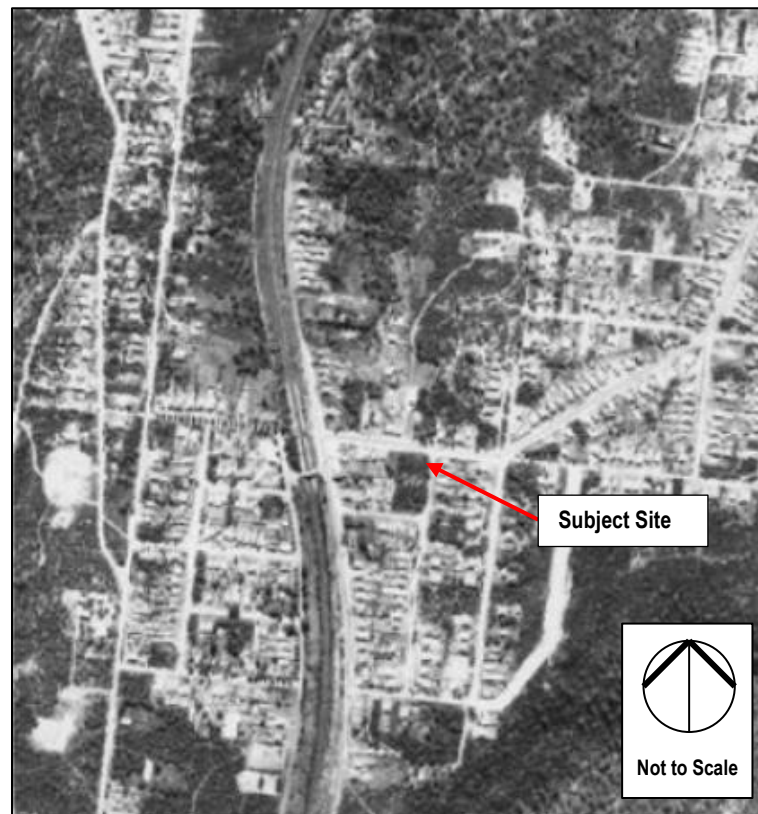
**Figure 1: Location Plan - Regional**



## 2.2 Historic Development of Jannali & Jannali Town Centre

In 1901, the plan of Jannali was realised, and which identified Jannali as being bounded by Sutherland Road to the west, Government Road (now known as Wattle Road) in the east, the area north of the Boulevard in the south, and the Jannali Signal Box in the north. While blocks of land were being sold in Jannali in 1901, it wasn't until 1921 that the first permanent residents settled in Jannali.

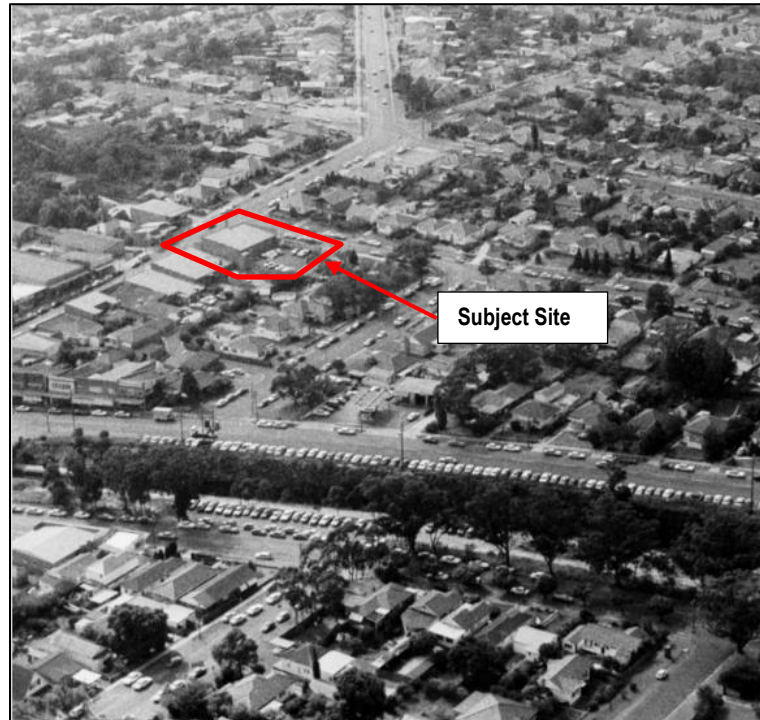
Between the 1930s and the mid-1940s, Jannali was a small village. From the late 1940s, Jannali grew with development along Box Road including a shopping centre. By the early 1950s, the lot pattern of today took shape. As shown in the photograph, in the early 1950s, the site was still bushland (see **Photograph 1**).



**Photograph 1:** Aerial Photo dated 1953

### 1973 Aerial Photograph

By 1973, Jannali's built form and block pattern and shape had developed into the character and form, visible today (**Photographs 2 & 3**, on the following page). The upper image follows the alignment of Georges River Road, located at the top of the photo. Box Road and Roberts Street are clearly visible. The site can also be seen just of centre in the photo, with the existing building evident. The subject site is outlined in red, in both photographs.



Source: Sutherland Shire Council

**Photograph 2: Looking East (c.1973)**



Source: Sutherland Shire Council

**Photograph 3: Looking North-East (c. 1973)**

### 2021 Photograph

Between the 1970s and the 1980s, the north-western side of Jannali along Oxley Avenue saw the development of three to four storey residential flat buildings. However, the established parts of Jannali saw little change in the built form (see **Photograph 4**, on the following page).

More recently, there have been a number of changes to the Town Centre, including:

- a) redevelopment of the Jannali Railway Station
- b) new five storey residential developments between Oxley Avenue and Sutherland Road along Mitchell avenue;
- c) a six storey mixed use development with retail/business use on the ground level with residential above on Railway Avenue near Beatrice Road
- d) a circa 2002 three storey mixed use residential development on the corner of Railway Crescent and Beatrice Road
- d) renovation and upgrading of a previous Flemings Food Store and BWS bottle shop

- e) Development of Woolworths Metro Store
- f) development of the Little Achievers Childcare Centre on the corner of Wattle Road and Georges River Road.

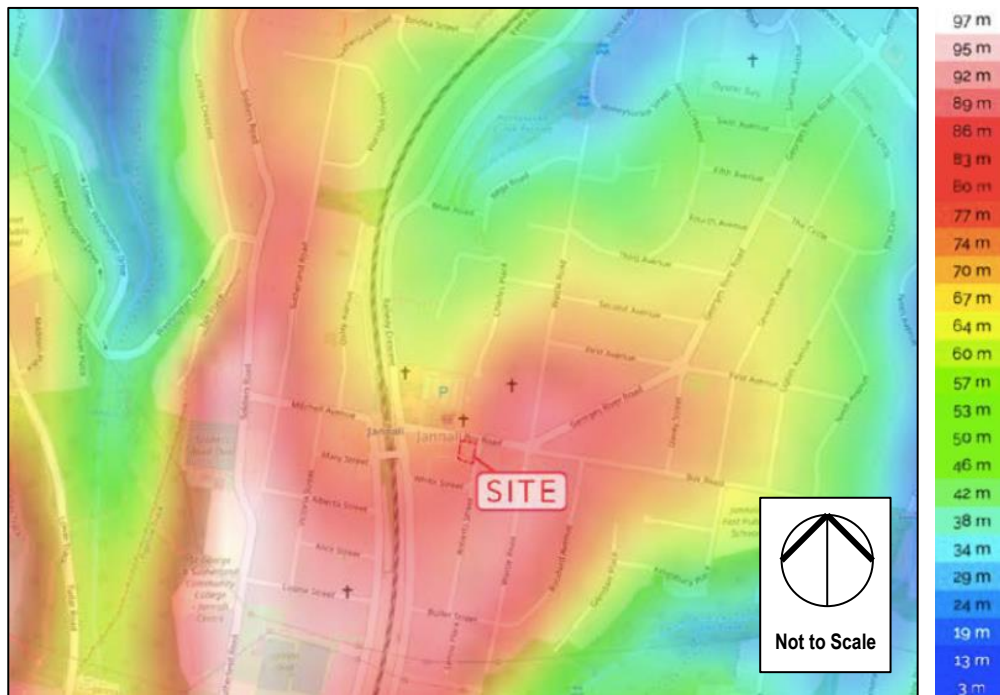


Source: SIX Maps

**Photograph 4:** Aerial Photo dated 2021

### 2.3 Topography

The site has an elevation of RL80 on the corner of Box Road and Roberts Street. Box Road continues to rise in elevation to the five-way intersection Wattle Road, Georges River Road and Box Road. There is a level difference of approximately eight metres between the corner of the site at Box Road and Roberts Street, and the corner of Box Road and Railway Crescent, immediately adjacent to the Jannali Railway Station (see **Figure 2**).



Source: OpenStreetMap

**Figure 2:** The Locality's Topography

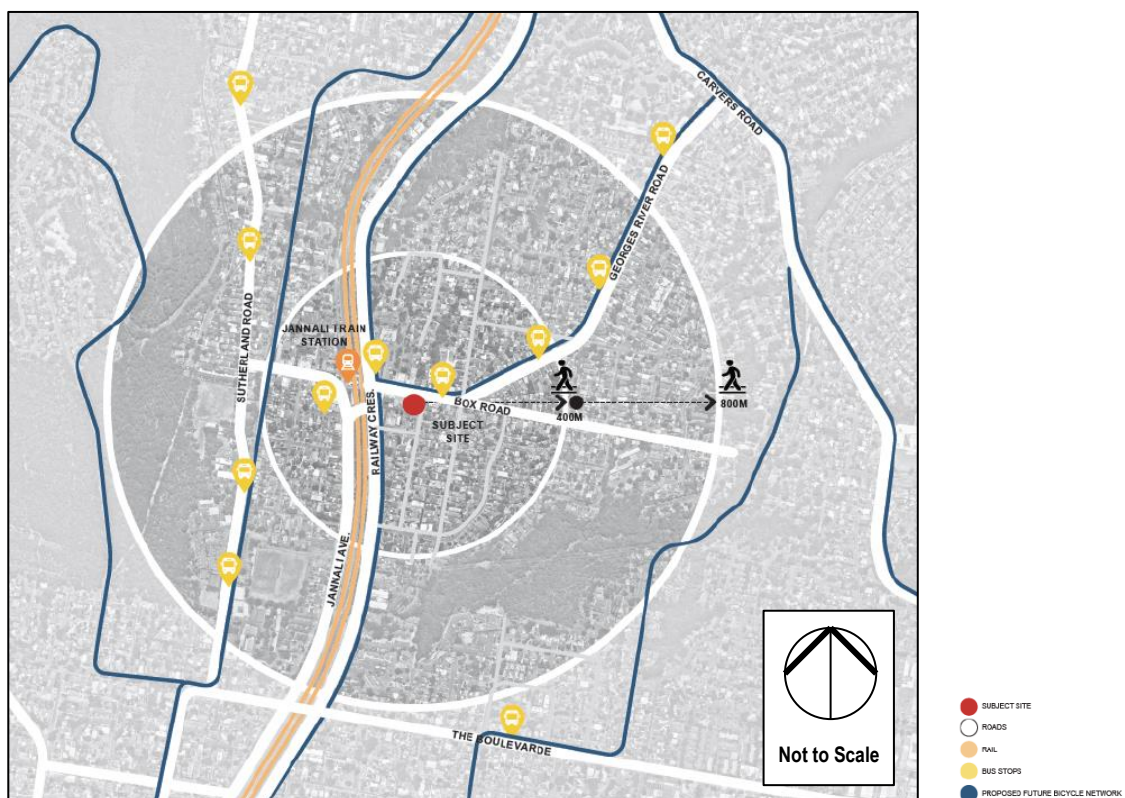
## 2.4 Transportation & Traffic Network

The immediate local area street pattern around Jannali shows evidence of grid pattern, however it is heavily broken by the diagonal direction of Georges River Road, the curves of Railway Crescent which follow the alignment of the Railway Line, other local roads that follow the land topography; and the Railway Line, itself (see **Figure 3**). The Princes Highway is the major distributor road connecting Sutherland Shire with the Georges River Council and Bayside Council to the north of the Georges River, and greater Sydney, beyond.

Jannali is also connected to Sutherland Hurstville via the railway line which are both identified as Strategic Centres in the District Plan and the GSRP. The Jannali Railway Station services both the T4 line (Bondi Junction to Waterfall/Cronulla) and the South Coast Line (Bondi Junction/Central to Bomaderry/Port Kembla). A bus interchange is on the opposite side of the Railway Station in Jannali Avenue. The Nos. 967 & 968 bus services provide regular links between Miranda Town Centre, Oyster Bay Shops, and other temporary destinations (at time of preparing this report).

To the south, the Princes Highway connects Sutherland Shire to Wollongong and provides access to the Royal National Park which is located south of Port Hacking and the Hacking River. Connection to Miranda and Cronulla is provided via the Princes Highway and Kingsway. Box Road connects to Railway Crescent, which in turn, connects with Toronto parade and to the Princes Highway (A1). Railway Crescent and Toronto Parade provide a direct vehicle connection between Jannali Town Centre and Sutherland Town Centre.

The site currently benefits from surrounding pedestrian access via footpaths which contribute to the street design and streetscape character. While there are no dedicated bicycle lanes in the Jannali Town Centre, cyclists commonly use Box Road to travel through the Centre to the Railway Station. Vehicular access to the site is currently from Leopold Lane, at the rear. There are Council plans to widen Leopold Lane by 1.5m on either side.



Source: Gray Puksand

**Figure 3: Traffic & Transportation Network**

## 2.5 Open Space, Recreation & Community Facilities

The site has excellent access to open space, recreation, and community facilities (see **Figure 4**), including:

1. Jannali Oval, which houses the Como West-Jannali Junior Sports Club
2. Soldiers Road Oval, which houses the Comets Baseball Club and Comets Club Field
3. Oyster Gully reserve
4. Bonnet Bay Park
5. Carina Gully reserve
6. Jannali pre-school
7. Jannali Public School
8. Jannali High School
9. St George and Sutherland Community Centre
10. Jannali Community Centre
11. Little Achievers Childcare Centre
12. Jannali Kinder Haven 2 Childcare Centre
13. Medical Centres
14. See Change Community Church
15. Jannali Anglican Church and
16. Jannali Uniting Church



Source: Gray Puksand

**Figure 4: Open Space, Recreation & Community Facilities**

## 2.6 Local Context

The site is within the Jannali Town Centre, which provides a range of mixed uses that service the local community (see Figures 5 & 6).

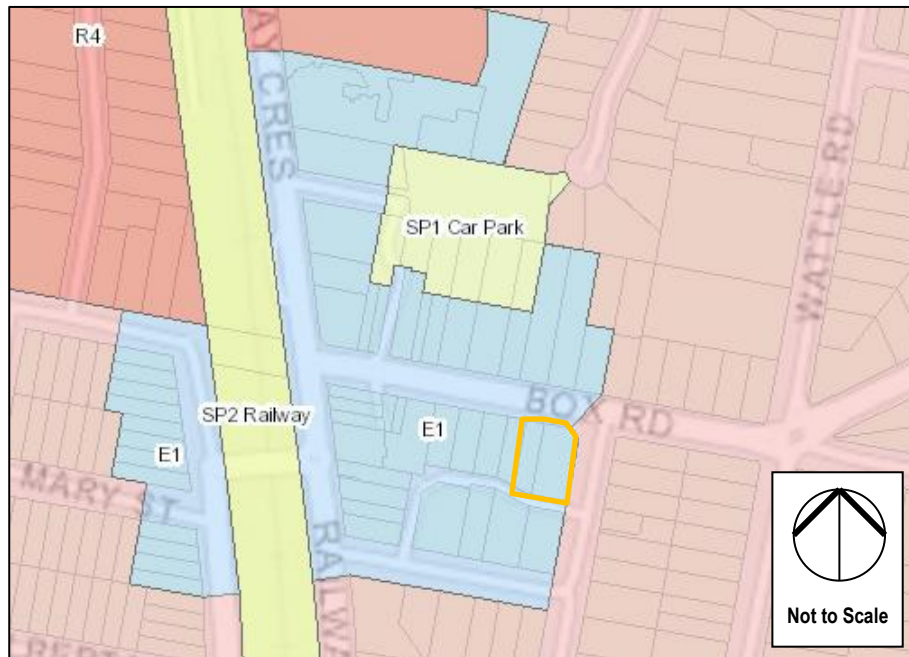
Low density residential uses are to the north-east, east, and south-east of the subject site. However, a service station and a childcare centre are on a five way intersection of Wattle Road, Georges River Road, and Box Road, which in principle, take commercial uses beyond the LEP-identified Jannali Town Centre, local centre land use zone.




Source: SIX Maps, 2023

 Subject Site

**Figure 5: Location Plan – Local Context**



Source: Sutherland Shire LEP 2015

 Subject Site

**Figure 6: LEP Zoning Plan**

The site is also located within two kilometres of the Sutherland Town Centre, which is identified as a 'Strategic Centre' in the South District Plan and GSRP.

The existing Jannali Town Centre is centred on Box Road, a tree-lined street which ends at the Jannali Railway Station (see **Photographs 5 to 8**).



**Photograph 5:** The subject site (Nos. 544-546 Box Road), as viewed from Box Road, looking east.



**Photograph 6:** Looking east towards the station, from Box Road.



**Photograph 7:** The Jannali Railway Station, as viewed from Railway Crescent, looking north.



**Photograph 8:** The Jannali Railway Station entrance.

The context and character of the Jannali Town Centre includes several features that are common with Local Centres comprising a 'main street' character in Greater Sydney, including:

- A main street that is either parallel or perpendicular to a Railway Station;
- Two to three-storey mixed use shop top housing development;
- Awnings over footpaths to ground level retail/commercial uses;
- On-street car parking;
- Landscaping and street trees;
- Street furniture, in particular, seating;
- At least one main supermarket with a rear, at-grade car parking. In other cases, parking is sometimes located to the front or to the side of the supermarket;
- A cultural or main public asset such as a pocket park or mall;
- Street lighting;
- Pedestrian crossings;
- A core Town Centre area with surrounding lower scale residential development;
- Larger parks and open spaces with sporting facilities woven within the lower scale residential development; and
- Schools and community facilities (including churches, public halls etc) in and around the Town Centre.

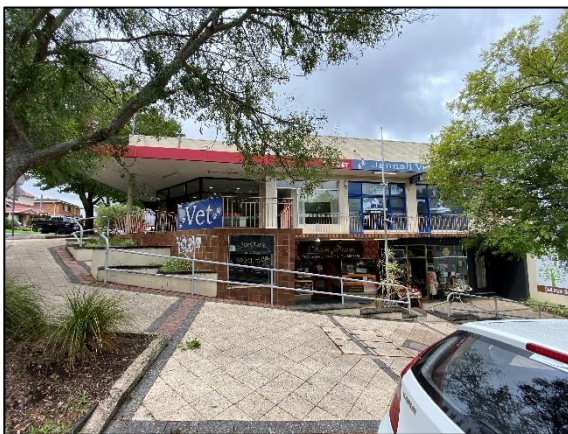
## 2.7 Site Description and Existing Built Form

The site is bounded by Box Road to the north, Roberts Street to the east, Leopold Lane to the south, and an adjoining property to the west. The subject site is located within approximately 150 metres and uphill of the Jannali Railway Station. It is also within 70 metres of two bus stops, serving the route Nos. 967 and 968, to Miranda Town Centre.

The subject site is located on the southern side of Box Road and is known as Nos. 544-546 & 548-550 Box Road, Jannali, described as Lot 2 in DP 209152 and Lot 2 in DP202711. The combined lots have a total site area of 1184m<sup>2</sup>. The site is in Jannali Town Centre and is zoned E1 Local Centre under the Sutherland Shire LEP 2015.

The site slopes to the west and to the north, which creates varying access points from either Box Road or Roberts to Street to each level of the building on the site. The site also benefits from a north-south orientation, meaning the site can achieve an excellent solar access, which contributes to the site amenity.

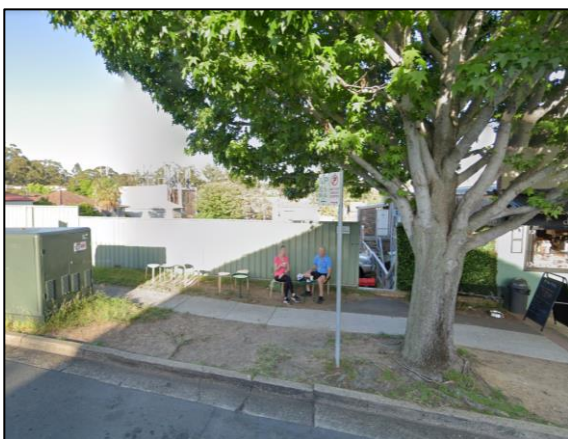
Nos. 544-546 Box Road currently is a partly two storey building of retail shops and businesses, and Nos. 548-550 Box Road is a single storey with two retail food premises. The overall site has eight retail shops/businesses, with a range of mixed uses that service the community. These include the main tenant: Australia Post (a Post Office); veterinary clinic, café, shops, and restaurants (see **Photographs 9 to 12**).



**Photograph 9:** The subject site (Nos. 544-546 Box Road), as viewed from Box Road to the north.



**Photograph 10:** The subject site (Nos. 548-550 Box Road), as viewed from Box Road to the north.



**Photograph 11:** The subject site (Nos. 544-546 Box Road), as viewed from Roberts Street to the east.



**Photograph 12:** The subject site's corner with Box Road (Nos. 544-546 Box Road), as viewed from Roberts Street to the east.

The existing sites have adjacent on-street parking on Box & Roberts Roads, and off-street car parking for staff, from Leopold Lane at the rear (see **Photographs 13 & 14**, on the following pages).





**Photograph 13:** The rear of the subject site (Nos. 544-546 Box Road), as viewed from Leopold Lane to the south.



**Photograph 14:** The rear of the subject site (Nos. 548-550 Box Road), as viewed from Leopold Lane to the south.

There is no vegetation, other than grassed areas, currently, on the site. Mature street trees are in front of the site on Box Road and Roberts Street. The street trees are located within landscaped verges, on both frontages.

## 2.8 Existing Character and Context

The surrounding area is characterised by retail and commercial buildings that are part of the Jannali Town Centre, with some businesses expanding into the adjacent residential zone, or operating under existing use rights (for example, the nearby service station). Low density residential buildings are found to the north-east, east, and south-east of the subject site. The subject site is located within two kilometres of the Sutherland Town Centre, which is identified as a 'Strategic Centre' in the *South District Plan* and the *Greater Sydney Region Plan: A Metropolis of Three Cities*. The Jannali railway station is approximately 170m from the subject site.

The residential areas of Jannali are undergoing change. There are already approved/under construction residential developments near the Jannali Town Centre at the current LEP's height controls of 16 metres for land near the station. These are needed to accommodate predicted population growth, as is discussed in **Section 3.0**. Such development examples highlight the changing character of the area.

### Development to the North

To the north of the subject site is No. 523 Box Road, a two-storey retail development with parking at the rear, and access to a separate dwelling (No. 521A Box Road) (see **Photograph 15**, on the following page). Also to the north is No. 525 Box Road of two separate shops and a dwelling at the rear on a large lot, with on-street parking (see **Photograph 16**, on the following page).



**Photograph 15:** 523 Box Road, as viewed from the site.



**Photograph 16:** No. 525 Box Road, as viewed from the site.

### Development to the East

To the east of the subject site is No. 2 Roberts Street, a single storey building housing a cosmetic medicine clinic and pathology collection centre on the former of Roberts Street and Box Road, with car parking available from Box Road (see **Photograph 17**). Further to the east is a service station, Metro Petroleum and an automotive service centre on the corner of Box Road and Wattle Road. Also, to the east, and opposite the subject site is No. 4 Roberts Street, a two-storey residential dwelling house with a pitched roof, front landscaping, and a driveway fronting Roberts Street (see **Photograph 18**).



**Photograph 17:** No. 2 Roberts Street, as viewed from the site.



**Photograph 18:** No. 4 Roberts Street, as viewed from the site.

### Development to the South

To the south is No. 1 White Street, a medical practice housed in a single storey building with a tiled pitched roof. The property has a detached single garage facing Roberts Street and has street parking available on Roberts Street and Leopold Lane. The property has a large front lawn setback (see **Photograph 19**).



**Photograph 19:** No. 1 White Street, as viewed from the north.

### Development to the West

To the west of the subject site is No. 552 Box Road, a single storey brick retail development of two premises with a skillion roof and street parking available on Box Road. Staff parking is located at the rear, from Leopold Lane (see **Photograph 20**, on the following page). Further to the west is No. 554 Box Road, also a single storey brick retail development with a skillion roof and street parking on Box Road. Staff parking is located at the rear, from Leopold Lane (see **Photograph 21**, on the following page).



**Photograph 20:** No. 552 Box Road, as viewed from the north



**Photograph 21:** No. 554 Box Road, as viewed from the north.

## 2.9 Nearby Approvals

The density of Jannali is increasing with new developments, including in Mitchell Avenue, only 500 meters from the subject site.

### **Union Place, Nos.34-38 Railway Crecent Jannali (DA15/1345)**

This six-storey development is a mixed-use development, comprising two buildings with one commercial unit (the Jannali Hotel); and the other comprising 89 one- and two-bedroom apartments over a shared basement carpark (see **Figure 7**). While approved at 23.07 metres (a 15% variation) Building Height; following a flood study, the proposal was modified to allow a new height of 24.5 metres, a departure from the LEP Height of Building Standard of 22.5%. The Council officer's report stated:

*The proposed variation to the LEP maximum height standard was considered reasonable and appropriate at that time given that the building does not give rise to any adverse external amenity impacts beyond that of a building with a compliant height, and that the repositioning of the building bulk toward the street, allows for a more sensitive design response, and higher level of amenity to be maintained to existing development to the north.*



Source: Mijollo International

**Figure 7:** Approved Development, Union Place, 34-38 Railway Crecent Jannali

### **Nos. 11-15 Mitchell Avenue**

A proposal to demolish existing structures and construct a new residential flat building was approved at Nos. 11-15 Mitchell Avenue (DA 18/0393). The property has 31 units and basement car park levels (see **Figure 8**, on the following page). The approval exceeds the LEP's building height by 0.9 meters and is consistent with the requirements of the floor space ratio. The property is zoned R4 High Density Residential where the floor space ratio is 1.2:1 and the building height limit is 16 meters.



Source: Urban

**Figure 8:** Approved Development at Nos. 11-15 Mitchell Avenue, Jannali.

### **Nos. 17-23 Mitchell Avenue, Jannali**

One approval is for demolition of existing structures and construction of a new residential flat building at Nos. 17-23 Mitchell Avenue, Jannali (DA 16/1239). The property is five storeys, contains 64 units and ground and basement car park levels (see **Figure 9**). The property is zoned R4 High Density Residential where the floor space ratio is 1.2:1 and the building height limit is 16 meters.



Source: Lunar Jannali

**Figure 9:** Approved Development at Nos. 17-23 Mitchell Avenue, Jannali.

These approvals demonstrate Jannali is changing to become a more densely populated area with the character evolving from free-standing single dwellings to apartment buildings.

## **2.10 Nearby Planning Proposal**

Only 125 metres from the subject site, a Planning Proposal is under assessment at No. 42a Railway Crescent, Jannali. The Planning Proposal is for a multi-level commuter car park of 200 car spaces and is part of an integrated mixed-use development with Woolworths and Transport for NSW (TfNSW).

Removing cars from Box Road to the car park will improve the public domain of Box Road, to become the central focus for residents and the wider community. The car park might also encourage more customers to use the services and shops of the existing town centre, enhancing the business environment of Jannali Town Centre.

Significantly, the Planning Proposal requested to add a local provision which excluded the floor area of the car park from the calculation of GFA for the surrounding subject sites.

Subject to approval, the car park would be constructed in 2024. The planning proposal for Nos. 544-550 Box Road aligns with the area's predicted growth.

### 3.0 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are:

- To allow the redevelopment of the site by facilitating a contemporary shop top housing building within the Jannali Town Centre;
- To enhance the potential of the site in close proximity to a public transport location; and
- To provide a built form that is compatible with the existing and emerging context and character of the locality.

The intended outcomes of the Planning Proposal are:

- To amend the Sutherland Shire Local Environmental Plan 2015 (LEP) Clause 4.3 (Height of Buildings) to enable a maximum height of 30 metres on the subject site.
- To amend the Sutherland Shire Local Environmental Plan 2015 (LEP) Clause 4.4 (Floor Space Ratio) mapping, to enable a maximum FSR of 3.8:1 on the subject site. A requirement that minimum 0.6:1 of the total FSR would be retail/business use (including amenities and facilities) can be included in an additional LEP clause.

The vision of the project is to achieve a scale and density that continues to support the “local Centre’s economic role, through additional activation of the Jannali Town Centre”.

Importantly, the project seeks to align with key State Government strategic aspirations to create a 30-minute city by locating housing and employment opportunities close to public transport, while responding to other key policies.

## 4.0 PART 2 – EXPLANATION OF PROVISIONS

The proposed amendments are, inter alia:

- Amending the Sutherland Shire LEP 2015 Height of Building Map to indicate a maximum height to 30 metres; and
- Amending the Sutherland Shire LEP 2015 Floor Space Ratio Map to indicate a maximum permissible FSR of 3.8:1. A requirement that minimum 0.6:1 of the total FSR would be retail/business use (including amenities and facilities) can be included in an additional LEP clause.

This section also discusses potential effects on nearby development as a result of the increased height and FSR.

### 4.1 Building Height

The proposal would increase the height from 20 meters to 30 meters, which allows all levels including lift overruns to be within the height envelope. As the site slopes from both south to north and from east to west, the height plane must allow incorporation of all building elements, to ensure a future proposal's compliance. These level changes within the site allow a partly two-storey podium component to Box Road, similar to the existing.

Increasing the permitted building height would be equivalent to another 2.5 to 3 floors above the existing LEP height line, however, results in a slenderer residential component, with generous setbacks to neighbouring sites, and improved amenity for future residents. The concept increases the setbacks at the podium level, as per the DCP requirements, and then again at the penthouse level, to visually reduce effects of the additional height.

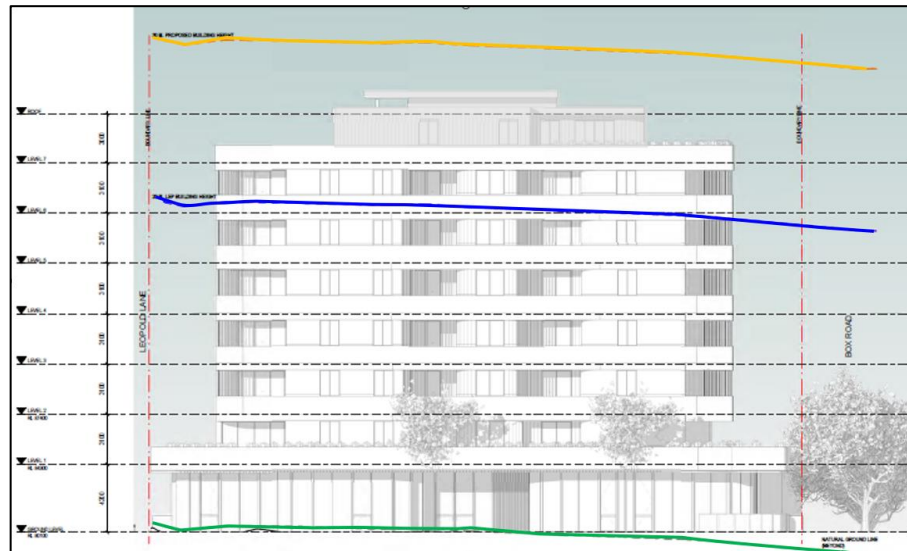
The proposed height would enable a future building to have a streetscape presence on the prominent corner of Box Road and Roberts Street, as the gateway to the Town Centre.

The proposed amendment to height will provide a building envelope consistent with the evolving nature of Jannali, and the need to upgrade and update the Town Centre, to cater for the increasing population in the area. The proposed amendment to FSR standard, and the requirements of the DCP and the Apartment Design Guide, will limit the extent of the built form on the site.

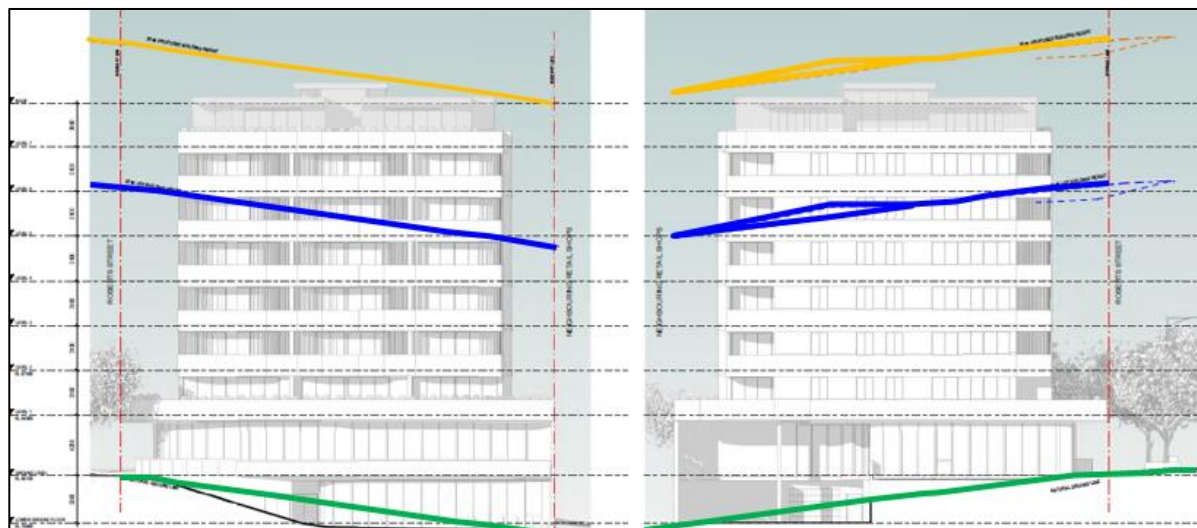
As noted, the site has significant falls from south to north (rear to front), and from east to west, which would prevent the proposal achieving the maximum height over much of the site.

This is evident in the Elevation along Roberts Street (**Figure 10**, on the following page) the indicative proposal is several metres below the maximum height proposed in the elevations shown.

In preparing the Concept Proposal, we have sought to demonstrate the limited areas which require the full height. The intention is to restrict the height for the portion facing Roberts Street and it is likely the appearance on this elevation would be only one storey greater than the 20m height limit, when viewed from pedestrian level. This is because there is a significant fall in the site, from east to west. This fall accommodates the existing lower ground floor level, facing Box Road.



As viewed from Roberts Street

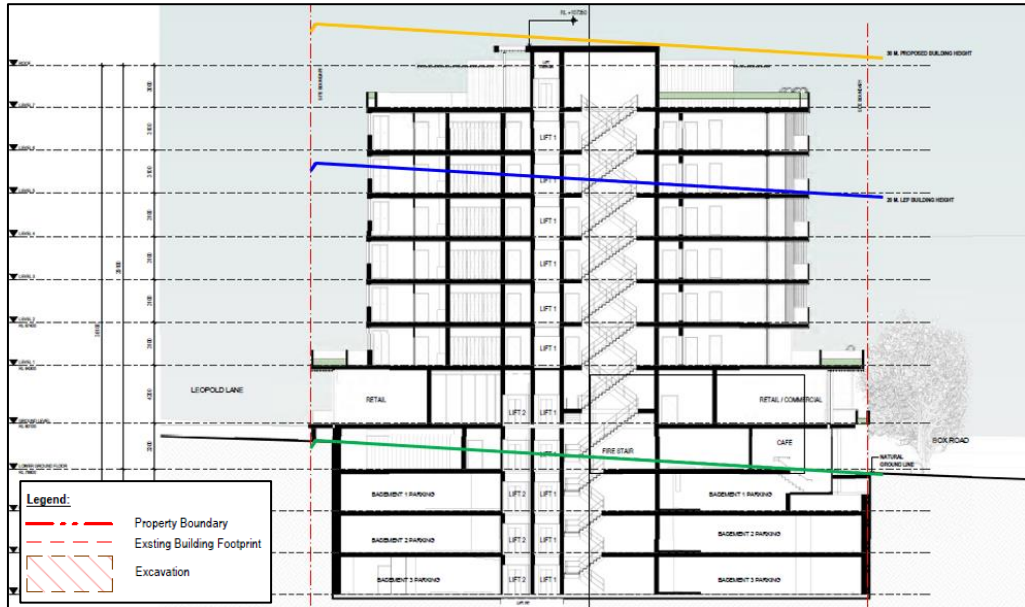


As viewed from Box Road & Leopold Lane

Source: Gray Puksand Architects

**Figure 10:** Elevations Show the Indicative Proposal is below Maximum Height sought

A section also demonstrates all proposed elements are within the proposed 30 metre building height plane (see **Figure 11**, on the following page).



Source: Gray Puksand Architects

**Figure 11:** Indicative Section showing all elements within Height Plane

The proposed LEP amendments will provide capacity for a new, well-designed development that considers the context, character, and future use of Jannali as a busy local centre with a perimeter of increased residential density.

The concept proposal shows the integration of a building at street-front which is compatible with future redevelopment in the streetscape (see **Figure 12**). This image shows the outlines and massing of potential redevelopment of other shopfronts along Box Road, to the current 20 metre LEP building height plane, and includes the DCP two storey podium, with setback to upper-level development.

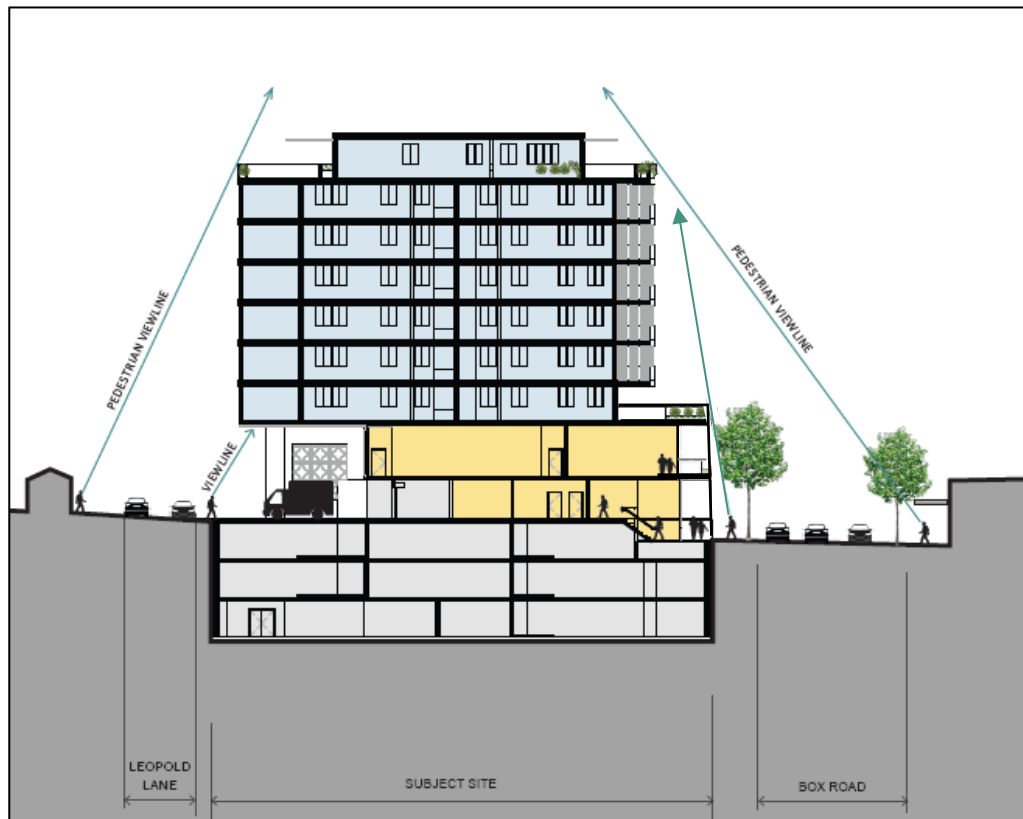


Source: Gray Puksand Architects

**Figure 12:** Indicative Proposal in a Future Streetscape, as viewed from the east on Box Road



An important consideration in proposing the additional height was how the building might be viewed from the street. The Architects have prepared a section with view lines from footpath areas on the northern and southern sides. We note that in the immediate vicinity of the proposal are street trees which might obscure views of a future building on the site. Nevertheless, the podium area is expected to limit views of the upper levels, from the footpaths, particularly on Box Road (see **Figure 13**). Pedestrian views from all three streets are unlikely to see the Penthouse level due to setbacks, therefore, the building's appearance is likely to be only one additional storey from Leopold Lane, and perhaps two additional storeys from Box Road (opposite the site).



Source: Gray Puskand Architects

**Figure 13:** Pedestrian views of the Indicative Proposal, as viewed from Box Road & Leopold Lane

## HEIGHT OF BUILDINGS OBJECTIVES

The Sutherland Shire LEP 2015 contains objectives for Height of Buildings. The relevant objectives are stated, inter alia:

- Objective:** To ensure that the scale of buildings:
- i. is compatible with adjoining development, and
  - ii. is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and
  - iii. complements any natural landscape setting of the buildings

**Response:** Even though the subject site will be relatively larger than current surrounding developments, it is similar in character to nearby development approvals such as those on Mitchell Avenue. The proposal also supports the growth and future character of the area.

**Objective:** To allow reasonable daylight access to all buildings and the public domain

**Response:** The impact that the subject site will have on daylight access to surrounding buildings is not excessive, allowing for the maintenance of reasonable daylight access to surrounding buildings and the public domain.

**Objective:** *To minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion*

**Response:** While significant views are less likely in this location, any outlooks from nearby residential dwellings are unlikely to be significantly affected. Any reduction is likely to be very minor and the planning proposal's form will encourage future redevelopment that will maintain views for residents of nearby residential developments.

**Objective:** *To ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves*

**Response:** The part one- and part two-storey podium minimises the visual impact of the building when viewed from properties nearby. Existing awnings, street trees and zero lot boundaries limit viewing of the site from adjoining properties.

The site is not near waterways or public reserves, therefore significant views will not be affected.

**Objective:** *To ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones*

**Response:** N/A

**Objective:** *To achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas*

**Response:** Roberts Street is the boundary between the Local Centre and the nearby residential area, although as noted, some business uses are already operational in the residential zone, on the corner of Box Road and Roberts and Wattle Streets.

## 4.2 Floor Space Ratio

The proposal would increase the site's FSR control from 2:1 to 3.8:1 which will accommodate the increased height. Of this, a requirement that minimum 0.6:1 of the total FSR would be retail/business use (including amenities and facilities) can be included in an additional LEP clause.

The proposed FSR would allow a shop top housing building that although eight and nine storeys would have a lower streetscape appearance, when viewed from Box Road, due to the podium level with residential levels set back, and with the penthouse level unlikely to be readily discernible from the street, due to the increased setbacks at that level.

Importantly, the increased FSR allows a building envelope that is sympathetic with emerging and surrounding built forms (see **Figure 14**).



Source: Gray Puksand Architects

**Figure 14:** View of the proposal

## SUTHERLAND SHIRE LEP 2015: FLOOR SPACE RATIO OBJECTIVES

The Sutherland Shire LEP 2015 contains objectives for Floor Space Ratio. The relevant objectives are stated, inter alia:

*Objective:* To ensure that development is in keeping with the characteristics of the site and the local area

**Response:** The development is of similar character to nearby approvals, for example, in Mitchell Avenue and Railway Crescent. The nearby planning proposal approval of 42a Railway Crescent will significantly encourage growth of Jannali Town Centre. With adoption of the planning proposal, the subject site is capable of accommodating and supporting future growth in the area.

*Objective:* To ensure that the bulk and scale of new buildings is compatible with the context of the locality

**Response:** The bulk and scale of the subject site with a more slender tower will be compatible with the emerging change of character and future growth of the area and is an appropriate for a corner site on the edge of the Local Centre.

**Objective:** To control development density and intensity of land use, taking into account—

- i. the environmental constraints and values of the site, and
- ii. the amenity of adjoining land and the public domain, and
- iii. the availability of infrastructure to service the site, and
- iv. the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and
- v. the desirability of retaining the scenic, visual, and landscape qualities of the area

**Response:** We understand there are no environmental concerns regarding the site or the immediate area, and therefore, there are no constraints.

The subject site will maintain retail and business uses at the street frontage, contributing to public amenity. The subject site does not intrude on any significant views of neighbouring properties.

The subject site is close to bus services and Jannali Railway Station, reducing reliance on car trips. Leopold Lane is proposed to be widened by 1.5 meters to accommodate increased traffic in the rear lane.

The residential component has generous setbacks to nearby existing and future developments, for residential amenity of sunlight, breezes, privacy, and outlook. The concept proposal is an elegant ‘in the round’ design which would be a positive contribution to the locality.

The proposal would increase the amenity of the Roberts Street frontage with activation of that elevation and landscaping enhancements.

A future development application could include bicycle parking and end of trip facilities within the building, an inbuilt substation (to minimise disruption of footpath areas); external bicycle racks supplied and installed in footpath areas (to Council’s specifications) and electric vehicle charging points on Roberts Street (to Council’s specifications).

Accordingly, in our opinion, the planning proposal provides an FSR control that appropriately addresses the context of the site and the evolving character of the Jannali Town Centre and provides public benefits.

In our opinion, the proposal satisfies the relevant objectives for the zone, building height and FSR.

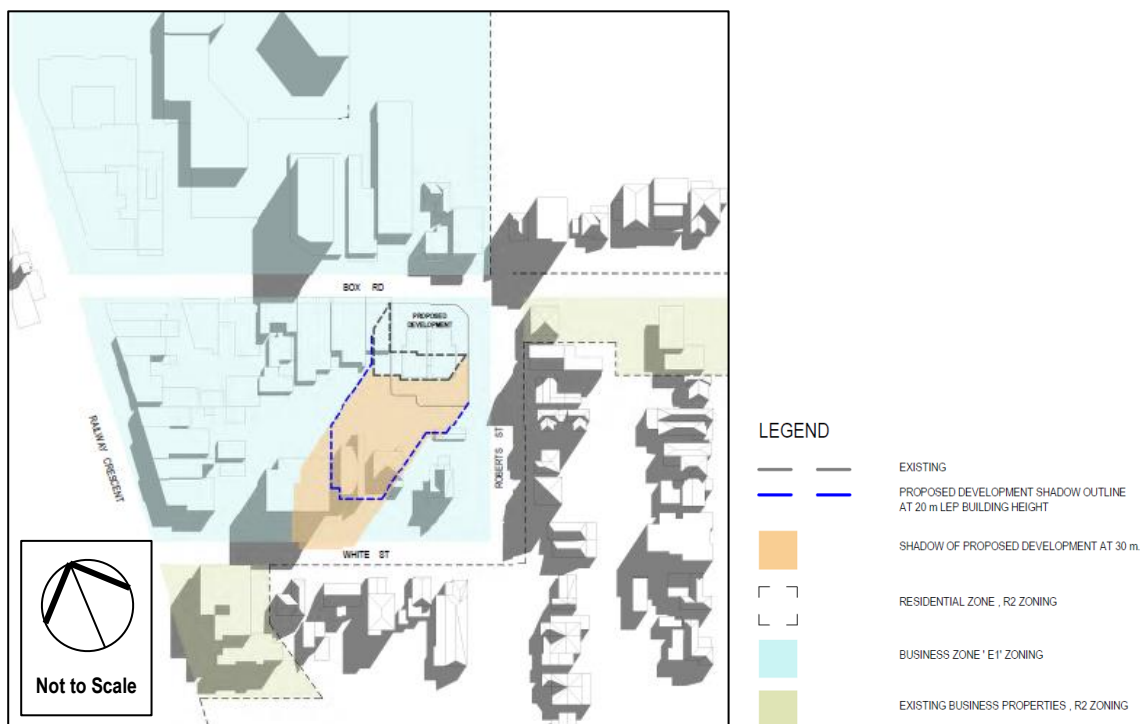
## 4.3 Consideration of Amenity Effects

### 4.3.1 Solar Access

The proposal will maintain adequate sunlight access to the surrounding developments by ensuring side setbacks are implemented. The first and second storeys will maintain the existing streetscape. However, the third storey and above will have a setback of four meters to Box Road, Roberts Street and Leopold Lane to ensure that solar access to the public domain in mid-Winter is maintained.

Shadow diagrams have been prepared hourly between 9:00am, 12:00pm and 3:00pm on 21<sup>st</sup> June by Gray Puksand. The blue outline indicates the effects of a 20 metre building height and the orange line indicates the extent of the 30 metre building height.

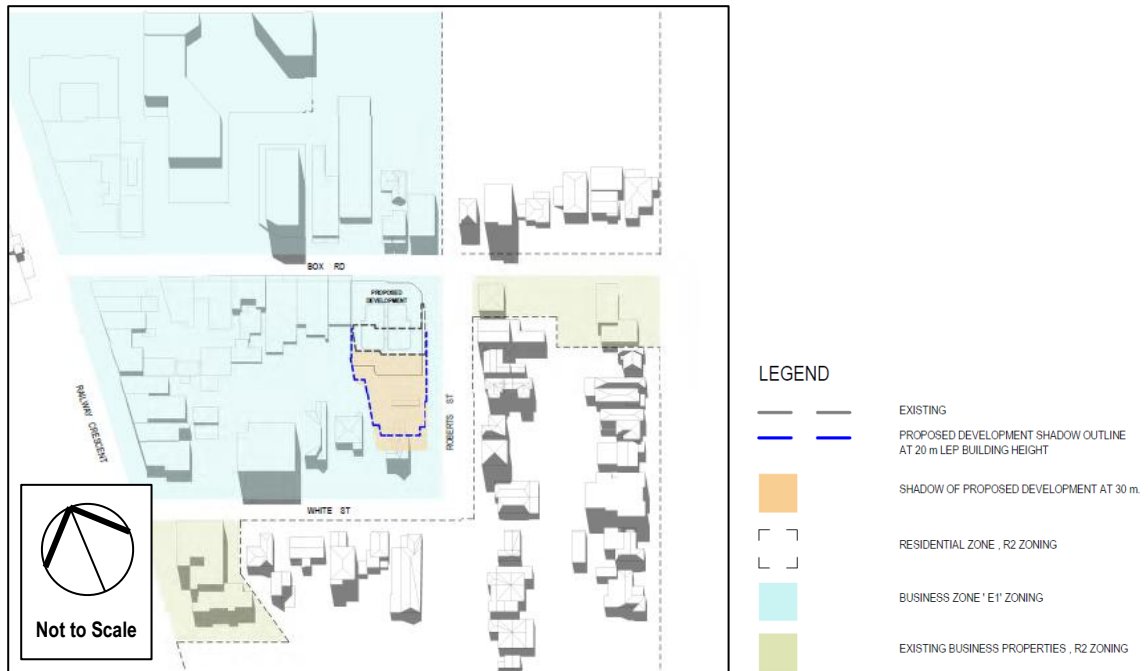
**At 9:00am**, shadows fall on existing business premises within the E1 Zone (see **Figure 15**). There is no effect on nearby residential development or any parks etc.



Source: Gray Puksand

**Figure 15:** Indicative Proposal's Shadow Diagram – 9:00am 21 June

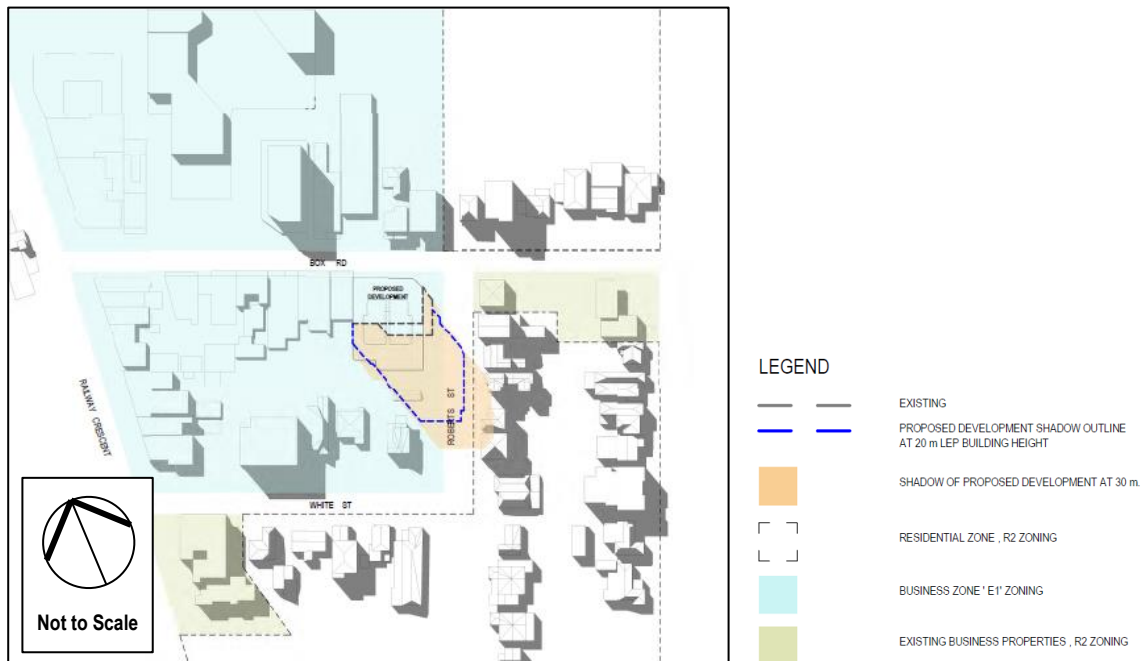
**At 12:00pm**, the shorter midway shadow again falls on only business premises within the E1 Zone (see **Figure 16**), immediately to the south.



Source: Gray Puksand

**Figure 16:** Indicative Proposal's Shadow Diagram – 12:00pm 21 June

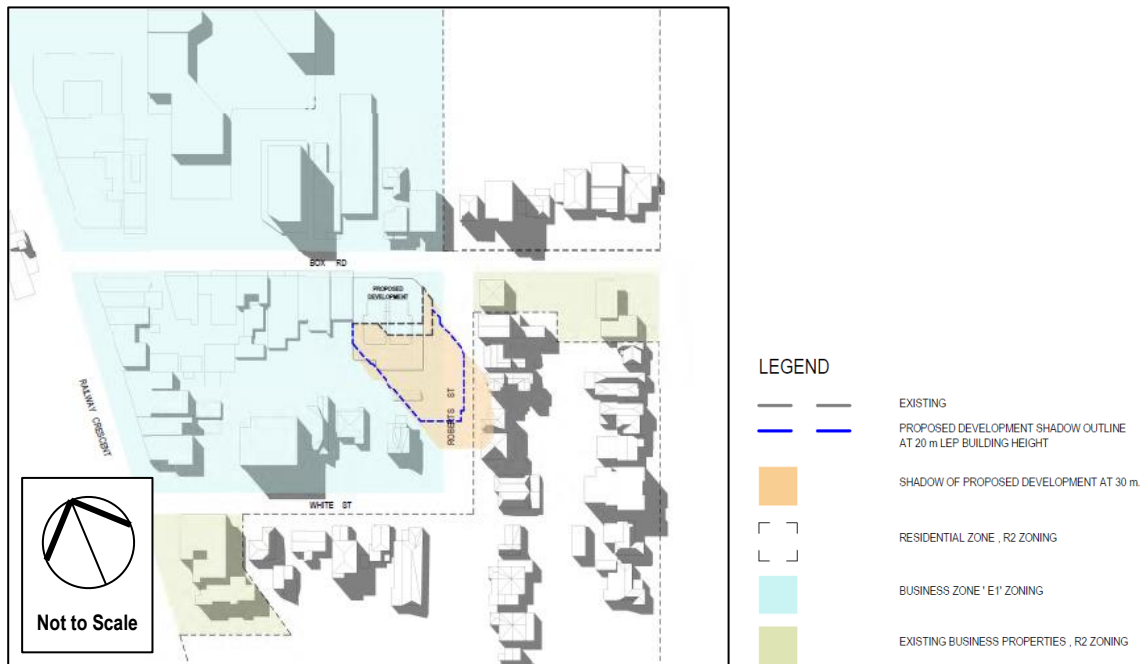
At 1:00pm, the proposal's shadows have moved over part of Roberts Street but have no effect on Roberts Street residential properties (see **Figure 17**).



Source: Gray Puksand

**Figure 17:** Indicative Proposal's Shadow Diagram – 1:00pm 21 June

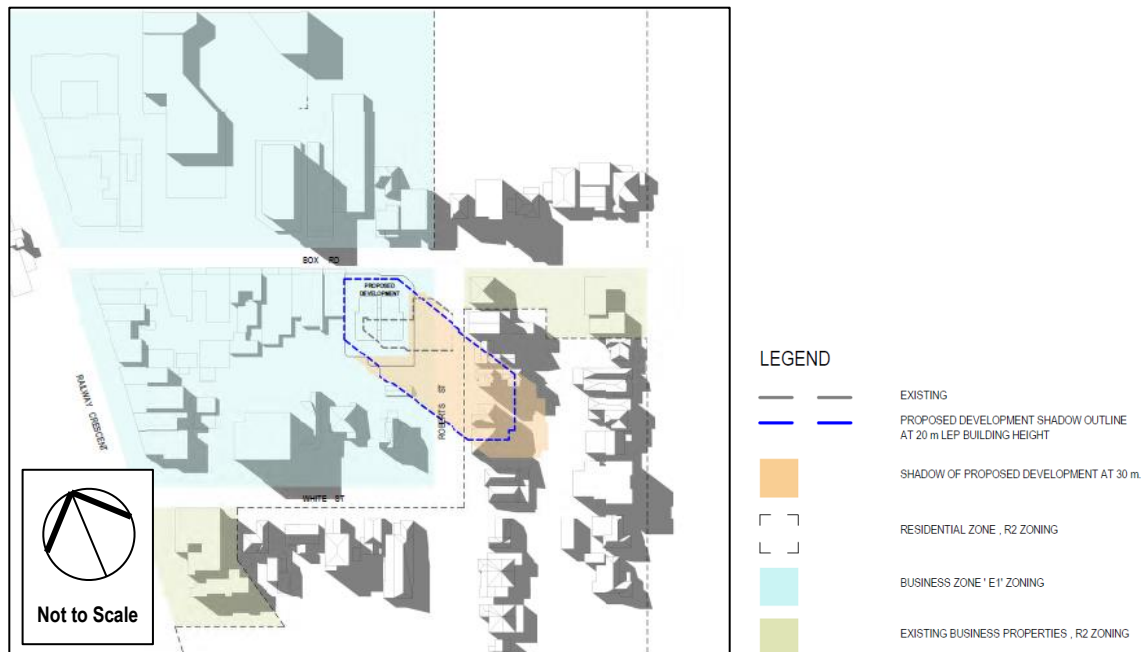
At 2:00pm, the shadows reach the front part of several dwellings on Roberts Street (see Figure 18).



Source: Gray Puksand

**Figure 18:** Indicative Proposal's Shadow Diagram –2:00pm 21 June

At 3:00pm, as the shadow cast is longer at this time, the shadow diagrams indicate the proposal does not extend beyond the existing dwellings' shadows cast at this time (see Figure 19).



Source: Gray Puksand

**Figure 19:** Indicative Proposal's Shadow Diagram – 3:00pm 21 June

These diagrams show the concept design's height and scale is expected to maintain solar access requirements to neighbouring residential sites' private open space and windows.

Any future development application will feature a degree of articulation and modulation with respect to DCP controls for solar access. We consider the proposed Concept's built form to be an appropriate representation of a likely form.

Accordingly, the Concept plans based on the proposed height and FSR development standards will maintain existing solar access to residential sites to the south and maintain generous solar access to neighbouring residential sites, to the east on 21 June.

#### **4.3.2 Views**

##### **4.3.2.1 Views Generally**

The proposed increase in Building Height and FSR will largely maintain existing outlooks from nearby residential accommodation and retail/commercial developments. Due to the existing density of Box Road and its surrounds, our initial investigation into views has not established there are any significant views from residential land within the vicinity of the subject site that would be significantly affected by the proposal.

The single storey business development to the east at No. 2 Roberts Street is near the peak of Box Road. However, there is no significant views as the outlook is likely to be mostly sky and perhaps some district views along Box Road. At ground level is likely any outlook is largely obscured by existing street trees on Roberts Street. Therefore, the Planning Proposal is unlikely to affect views from this property.

The adjacent property at No. 4 Roberts Street, although is two storeys and can see more of the surrounding development as part of its westerly view across the Local Centre, however, is still likely to have much of the outlook obscured by the street trees of Roberts Street. It is less likely to have a noteworthy view. Therefore, the Planning Proposal will be unlikely to affect views from this property either.

Therefore, the Planning Proposal is unlikely to cause significant view loss from these properties in the residential zone.

##### **4.3.2.2 View Impact Analysis in accordance with Tenacity Planning Principle**

In the assessment of development applications relating to view issues, the NSW Land and Environment Court relies on the planning principle in *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the Planning Proposal against this planning principle is included below.

The Planning Proposal and the increase in building height in the streetscape will largely maintain existing outlooks from nearby residential accommodation. Due to the existing character and terrain of Jannali and its surrounds, our initial investigation into views has not detected any significant views from nearby residential developments which might be affected. Additionally, iconic views such as the Sydney Harbour Bridge, the City skyline and waterways are not readily available in this location.

Accordingly, any reduction in outlook is likely to be very minor. The proposal is in our opinion reasonable on the basis of *Tenacity Consulting v Warringah*.

#### **4.3.3 Acoustic and Visual Privacy**

The planning proposal and concept design has considered the visual and acoustic privacy of neighbouring residential developments. Due to the generous separation provided by an approximate 21 metre road reserve between the subject site and nearby residential development; and an additional 4 metre setback to residential dwellings; the increase in height and FSR would be unlikely to affect the privacy or amenity of residents.

A future development will be required to meet with ADG requirements for separation and privacy, and the proposal has demonstrated this is achievable. Balconies in the concept design have been oriented towards the site's boundaries, Box Road and Roberts Street. Additionally, the communal roof terrace offers increased setbacks and separation distances from adjoining developments, with a planter buffer to provide further separation.

The Planning Proposal will ensure that an appropriate building height and a desirable FSR within the Jannali Local Centre applies to the subject site. The indicative Concept would accommodate a well-designed shop top housing development, continuing the site's existing retail/business use, augmenting it with new residential dwellings, and complementing the area's character. The Concept proposal demonstrates the additional bulk and scale will maintain amenity for nearby residents and will complement future development in Jannali. The proposal will positively contribute to the Box Road and Roberts Street streetscapes (refer to Concept Plans In **Appendix E**, and separately submitted).

Accordingly, in our opinion, the Planning Proposal is unlikely to present any significant visual or acoustic effects on adjoining development.



## 5.0 PART 3 – JUSTIFICATION OF STRATEGIC & SITE-SPECIFIC MERIT

This part has been prepared in accordance with the DP&E's *Local Environmental Plan Making Guideline* and will consider the following: Need for Planning Proposal; Relationship to Strategic Planning Framework; Environmental, Social and Economic Impact; and State and Commonwealth Interests. A checklist against the Guide's requirements is provided in **Annexure C**.

### 5.1 Section A – Need for the Planning Proposal

#### 5.1.1 Q1. Is the planning proposal a result of any endorsed LSPS, strategic study or report?

Yes, GSA Planning have prepared this Planning Proposal Report to accompany the planning proposal application. The Report draws on:

- *A Metropolis of Three Cities* – Greater Sydney Commission (GSC);
- *South District Plan* – Greater Sydney Commission (GSC);
- *Sutherland Shire Local Strategic Planning Statement* (LSPS)

These reports and studies justify the works proposed in conjunction with the amendments to the LEP building height and FSR controls in the Planning Proposal.

#### ***Greater Sydney Region Plan: A Metropolis of Three Cities & South District Plan***

The Strategic Context for the planning proposal discusses 'A Metropolis of Three Cities' and the characteristics and goals of the *South District Plan* in relation to the subject site. The subject site is located within the Jannali Town Centre, a significant centre with railway and bus connections. The planning proposal achieves the goals and meets the priorities within the *South District Plan*, as follows:

- The subject site is within the Jannali Local Centre, which provides a range of mixed uses that service the local community. Jannali Local Centre is located approximately 20km south-west of the Sydney CBD and is located on a railway line that provides railway connectivity to Hurstville. It is considered as a 'Strategic Centre' in the *Greater Sydney Region Plan: A Metropolis of Three Cities*.
- The site is two kilometers of the Sutherland Town Centre, which is identified as a 'Strategic Centre' in the *South District Plan* and the *Greater Sydney Region Plan: A Metropolis of Three Cities*.
- Jannali train station and bus stops are within five minutes' walking distance.
- The proposal for the subject site will continue to support the economic role and activity of Jannali Local Centre.
- The planning proposal will align with key NSW State Government strategic aspirations to create a 30-minute city by locating more housing and employment close to public transport.
- The planning proposal offers the opportunity to deliver a more diverse housing typology to the Jannali Town Centre, contributing to the existing character and urban fabric.
- The proposal will fully integrate the surrounding movement network enabling access to retail and commercial uses on the site for the wider community, while providing excellent connectivity for future residents.

- The proposal seeks to enhance the legibility of the site within the streetscape and enhance the pedestrian experience, while contributing to the street activation of the site.

The planning proposal will make a positive contribution to the revitalisation of the Jannali Local Centre, by increasing employment, services offered, and additional housing, close to a transport hub.

### **The Sutherland Shire LSPS**

The Sutherland Shire LSPS was released by Sutherland Shire Council in September 2020. The document sets out a 20-year land use vision, nominating a series of planning priorities for the LGA. Included is a local vision to guide future development, which nominates local planning priorities and associated strategies and actions.

Planning priorities and strategies set out in the Sutherland Shire LSPS include Infrastructure and Collaboration along with an ambitious active transport vision nominated for the area. Liveability and housing choice are also key aspects of the LSPS. The site's potential to meet the strategies and planning priorities of the LSPS, are as follows:

*The subject site is located within approximately 150 meters of the Jannali railway station.*

*The subject site has excellent access to open space and community facilities.*

*Delivering a mixed-use development on the site is consistent with the current E1 land use zone objectives. Further increasing the population of the site ensures a more vibrant and active town centre, an economically more robust centre, and a centre that satisfies key NSW State Government Policy for delivering housing close to public transport.*

The subject site is located within the Jannali Local Centre and will align with desired opportunities for the locality by increasing the Centre's residential capacity to accommodate forecast residential growth. The proposal will contribute to the local economy with additional residents utilising the Jannali Local Centre. This is consistent with Planning Priority 10 'Housing Choice', which notes:

*Recent community feedback indicates support for a concentrated approach to housing density in preference to a dispersed model<sup>13</sup>. Increased residential density close to centres is efficient, with new dwellings within easy walking distance of a public transport hub, community facilities, shops, services and employment. This supports local shops and businesses, sporting groups, cultural and community organisations. Many younger people also want to live in smaller dwellings close to centres for cost, convenience and proximity to social activities.*

*Planning for a mix of housing forms and densities will balance growth with preserving the natural environmental qualities. The established density gradient and landscaped character will be generally maintained, with the lowest residential densities in waterfront and peninsula locations and where there is bushfire risk. The R2 Low Density Residential and R3 Medium Density Residential zones will continue to accommodate increased residential densities while retaining the predominantly low density scale and open landscaped character.*

Accordingly, in our opinion, the Planning Proposal has considered strategic reports and studies applicable to the subject site and its local centre.

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

There are three options that could apply to the site regarding its potential development. These are as follows:

**OPTION 1 – Do Nothing**

This option does not further promote the economic potential of the site which currently features buildings a fraction of the site's development potential. The current height and FSR development standards applicable to the site do not offer the most beneficial return on investment to redevelop the site, and this is evident by original buildings remaining, rather than being redeveloped. Additionally, unless new, well-designed developments are encouraged and approved, the locality might decline.

**OPTION 2 – Lodge a Development Application**

Lodging a development application such as the indicative proposal accompanying this application would require two Clause 4.6 Applications to Vary the Development Standards for building height and FSR. These would be departures of approximately 50% for building height; 90% for FSR.

These are significant variations for a Local Planning Panel to determine, and therefore a planning proposal was considered an appropriate method to achieve the desired outcome.

**OPTION 3 – Planning Proposal**

The Planning Proposal will enable redevelopment of the site at a scale which achieves an appropriate economic return for the site. Jannali Local Centre will be better utilised, by providing additional housing in a well-connected transport, retail, and commercial hub.

The Planning Proposal is the best means to achieve the intended outcomes of increased maximum building height and floor space ratio for the site. The planning proposal will achieve the LEP objectives for height and FSR.

**5.2 Section B – Relationship to Strategic Planning Framework****5.2.1 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)?**

The Planning Proposal has strategic merit and is consistent with the objectives of the previously discussed *South District Plan (2018)*. The Strategic Merit of the Planning Proposal, generally, in relation to Council's strategies and studies, will be assessed in the following sections.

**A Metropolis of Three Cities**

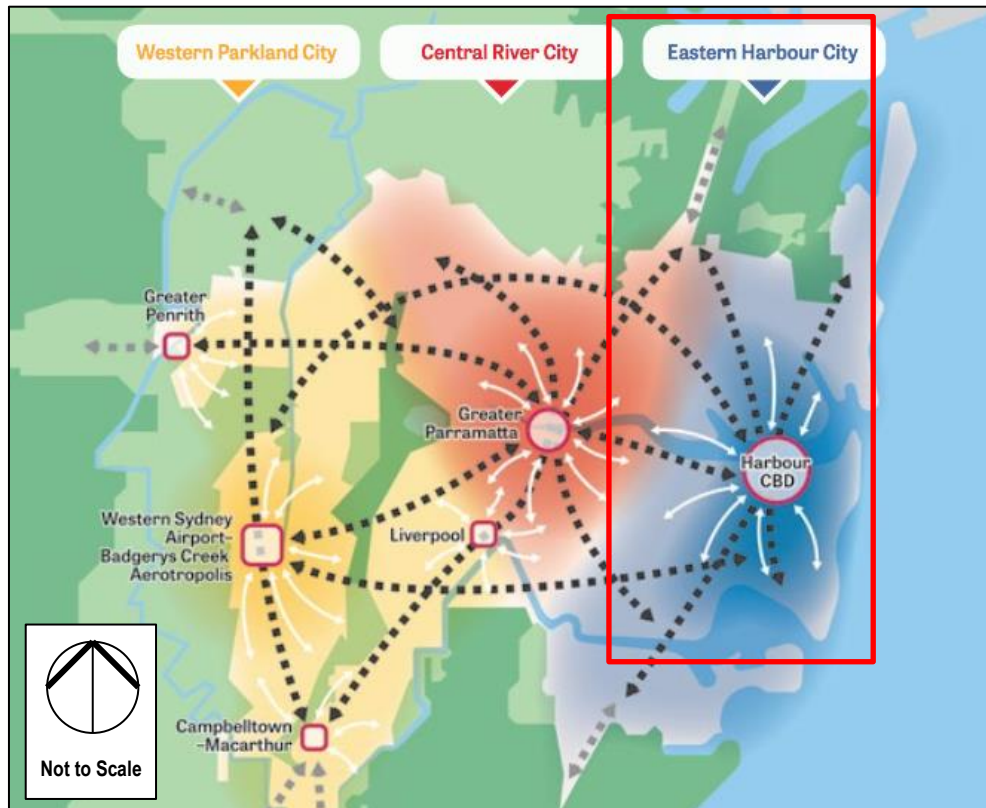
In March 2018, the GSC released the *Greater Sydney Region Plan: A Metropolis of Three Cities* which is the latest metropolitan strategic plan to guide Sydney's long- term growth.

The plan identifies three cities for the Greater Sydney Region with the subject site being located in the *Eastern Harbour City* (see **Figure 20**, on the following page). However, the *South District Plan* is considered more directly relevant as the subject site is located on the southern fringe of the Eastern Harbour City division.

The vision is for three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and 'great places'. The overarching goals include the following:

- *A city supported by infrastructure*
- *A collaborative city*
- *A city for people*
- *Housing the city*

- *A city of great places*
- *A well-connected city*
- *Jobs and skills for the city*
- *A city in its landscapes*
- *An efficient city*
- *A resilient city*



Source: Eastern City District Plan, March 2018

  Eastern City

**Figure 20: Map Showing the Metropolis of Three Cities**

*A Metropolis of Three Cities* states that the population of Greater Sydney is projected to grow to 8 million people over the next 40 years. It is essential that residents have quick and easy access to jobs and essential services. Housing supply and choice will need to increase accordingly to meet the growing and changing needs of the community. In response to this, the planning proposal emphasises the increased housing supply, which is close to a public transport hub, in this case being Jannali train station. The Proposal will update the built form and provide new housing, compared to the existing situation on the site.

The planning proposal is consistent with Objective 10 of this Plan, as follows, inter alia:

- **Objective 10:** Greater housing supply.

Ongoing housing supply, with a range of housing types in accessible and well-served locations will create more liveable neighbourhoods and support Greater Sydney's growing population. The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections.

Accordingly, the Planning Proposal aligns with this objective through accommodating 44 well-designed residential apartments on the site. A future DA will ease demand for a mix of new housing stock and contribute to increased housing supply targets within the LGA and Eastern City.

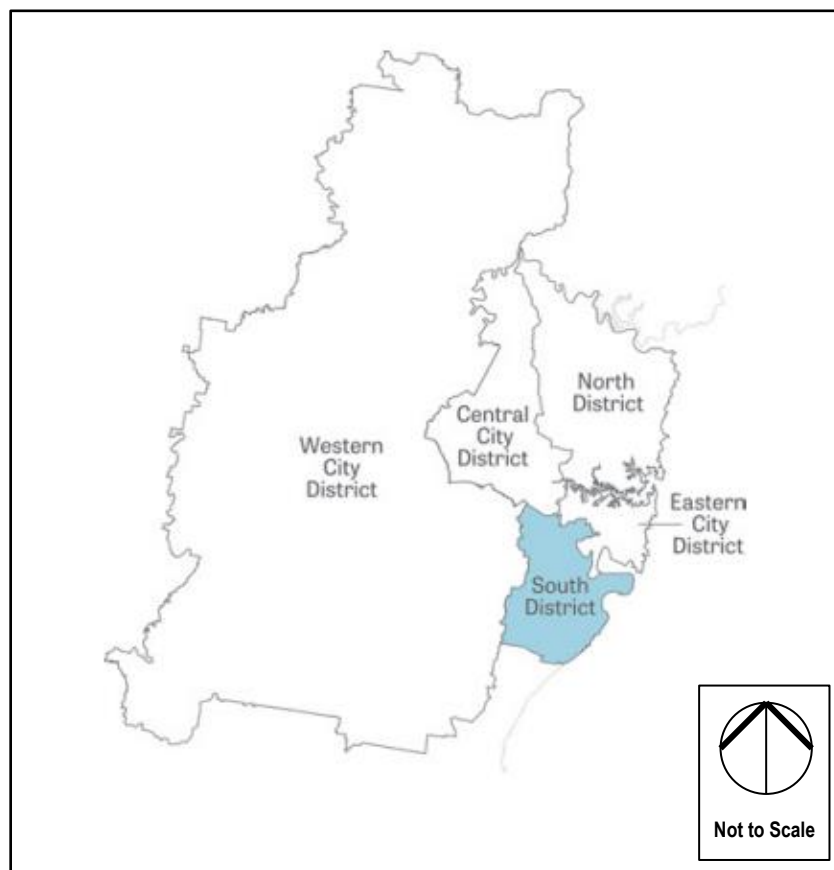
The Planning Proposal has the potential to provide contemporary apartment-living, appealing to a mix of young professionals, singles and couples, and downsizers. The central location of the site; near a range of train and bus services, employment lands, retail services, and recreational areas; are aspects that further enhance the viability to increase the capacity of the site.

The Planning Proposal is an opportunity for contemporary new apartments close to transport links and employment opportunities. Studio and one-bedroom apartments are likely to appeal to younger professional singles and couples, with the 20–34-year-old demographic currently making up 17.1% of the population in Sutherland [source: 2021 Census QuickStats: Sutherland].

Importantly, the planning proposal will provide residential apartments with the capacity to accommodate downsizers, allowing Sutherland and Jannali residents to continue to age in place.

### South District Plan

In March 2018, the Greater Cities Commission (GCC) released the *South District Plan* which is a long-term plan to manage growth in the context of economic, social, and environmental matters; ultimately outlining a 40-year vision for Greater Sydney. The subject site is located within the *South District Plan* (see **Figure 21**). The overall vision involves achieving a liveable, productive, and sustainable future for the District.



Source: South District Plan, March 2018

■ South District

**Figure 21:** Map Showing the Locational Context of the South District Plan

Jannali is identified as a “local centre” in the *South District Plan*, which provides an opportunity to increase capacity for the required goods and services of Jannali and the broader community, as well as both employment and housing uses.

Local centres are important to functioning neighbourhoods as they include public transport and transport interchanges. They are an important part of a 30-minute city. Local Centres provide local employment and essential local functions, access to goods and services, social or community infrastructure as well as transport interchanges close to where people live. Recent approvals for other mixed-use or residential flat building developments, demonstrate the desirability of and demand for residential dwellings close to the Jannali Local Centre.

The planning priorities and corresponding actions that are relevant to the planning proposal include the following, inter alia:

- **Planning Priority S1:** *Planning for a city supported by infrastructure.*

The site is well-serviced by bus stops, approximately 70m walking distance from the subject site, with regular services to the Miranda Centre, Oyster Bay Shops, and other destinations. The site is approximately 150 meters from Jannali Train Station, which provides access to the CBD and surrounding suburbs. The existing transport infrastructure ensures the site is accessible for residents and visitors.

The site’s proximity to local schools, employment, hospitals, medical services, parks, and other facilities and services will benefit future residents and workers. It is unlikely the Proposal will directly affect the provision of public infrastructure or significantly increase demand. Therefore, the proposal is consistent with the objectives for this priority.

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

The Planning Proposal seeks to increase both the retail floorspace and the residential capacity in Jannali. The Proposal is consistent with the following actions in the Plan which foster strong local communities through a place-based planning approach:

*Action 10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities.*

Future shop top housing development on the subject site will feature adaptable apartments and lift access, ensuring it will be a safe and inclusive place for people of all ages and abilities. Increased residential uses near the centre is an important factor in maintaining Jannali’s level of liveability and the viability of the Local Centre.

- **Planning Priority S5:** *Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

A future development application will provide short-term local employment opportunities during the construction phase. Approximately 44 residential units on the site will ensure that potentially affordable housing and variety is available to the community, with easy access to shops, services and public transport.

- **Planning Priority S6:** *Creating and renewing great places and local centres, and respecting the District’s heritage.*

Jannali is identified as a local centre in the *South District Plan*. It is intended the Planning Proposal will allow renewal, and increased retail and residential accommodation in the Centre.

The proposal is consistent with the following actions in the Plan which seek to foster strong local communities through a place-based planning approach:

*Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places.*

*Action 21. Use place-based planning to support the role of centres as a focus for connected neighbourhoods.*

The planning proposal will ensure that a collaborative approach is taken throughout each phase of the planning, design, development and management process. This is discussed further in Section 7.0.

The concept design addresses Box Road and Roberts Street and will better contribute to the streetscape. The Concept form will increase available residential accommodation, which is important to enhance the Jannali Local Centre, making it an appealing place where people want to live, and that meeting the needs of residents. The Planning Proposal facilitates future redevelopment to achieve that outcome.

In our opinion, the planning proposal is consistent with the relevant goals and priorities of the *South District Plan*.

### **Draft Sutherland Shire Local Housing Strategy 2041**

The Draft Sutherland Shire Local Housing Strategy 2041 was presented to Council's Planning and Growth Committee on 5 June 2023 and at time of writing, has not yet been adopted. The Housing Strategy is an action of Council's LSPS and is in line with the strategic priorities of Council's Community Strategic Plan.

The Strategy identifies the terrain and other constraints of the Shire, which limit locations for future housing to existing urban areas. While there is opportunity to increase density in the R2 Low Density Residential and R3 Medium Density Residential Zones, the Strategy notes:

*'The greatest access to regular public transport services and the highest levels of walkability are around the established centres serviced by public transport. These are the optimal locations for future housing supply, although some neighbourhoods are constrained by other factors such as bushfire risk.'*

The Jannali Centre provides optimal opportunities for additional housing close to transport and is not constrained by bushfire risk or other issues. As noted in this report, the Jannali Station is a rail stop on two separate railway routes which reduces train changes for commuters. Buses also service the Jannali Centre, making the location extremely convenient for commuters.

The preferred housing mix identified in submissions to the Strategy included 20% of housing being greater than six storeys, which is eminently suitable for a Local Centre; and 31% overall, for apartments. More commercial/residential mixed-use developments were also suggested. Apartments allow residents to move to larger or smaller homes without leaving their community, to accommodate lifestyle needs or changing personal circumstances. As the Strategy noted:

*This allows more dwellings to be provided in those areas [in and around Centres] while preserving the lower density areas of Sutherland Shire from significant change. ... The community also recognised that apartments provide a more affordable [opportunity] for those looking to enter the housing market.*

It is noted the Strategy commits Council to create capacity for new apartments through changes to zones or changes to height and floorspace, as proposed by this application, stating:

*These will be focused along the central transport spine in the eastern part of the Sutherland Shire, so that in future residents will benefit from easy access to retail, services, transport, schools, recreation facilities and employment opportunities. Experience has also shown that concentrating change in specific precincts also increases the likelihood of the development potential being realised. This results in the whole precinct undergoing change at the same time and minimises the overall impact of change across Sutherland Shire.*

The typology proposed: apartments greater than six storeys, is very appropriate for a Local Centre well-served by public transport, as per the subject site. This type of development can improve the vitality and viability of the Jannali Local Centre.

The Planning Proposal is consistent with the Objectives for Apartments, as follows:

*Objective 1: Support residents' choice to live in the form of housing they want as their life circumstances change, in locations where they can maintain community connections.*

**Response:** The Jannali Local Centre is an opportunity to provide additional housing which is potentially suitable for first homeowners, downsizers and those who prefer apartment living. Council will prepare a Place Plan with housing growth in this area and

*Objective 2: Manage change to keep valued landscape and scenic qualities.*

**Response:** Focussing new development in the Jannali Local Centre will preserve the local character and natural environment of the lower density areas surrounding the centre.

*Objective 3: Recognise that people have differing needs and circumstances and support opportunities for affordable and secure housing.*

**Response:** Amending the Building Height and FSR standards for the Jannali Centre will allow additional, more affordable housing for Jannali.

*Objective 4: Ensure new homes do not expose residents to known natural hazards and allow residents to cope with changing climate and adopt emerging technologies.*

**Response:** The site is not known to be flood prone and a future DA will incorporate additional water storage and utilise re-use for stormwater management and water conservation. The concept proposal demonstrates a future building can achieve passive design for solar access, air movement general amenity. The concept proposal includes waste handling areas for residents and retail tenants.

This Planning Proposal and the Concept Proposal including demonstrate the Jannali Local Centre is due for intensification of uses, is ideally located for shop top housing, and upgrading of retail floorspace.

#### **5.2.2 Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

##### **Sutherland Shire Local Strategic Planning Statement 2020**

The Local Strategic Planning Statement sets out priorities and associated actions for the key interrelated areas of infrastructure, liveability, productivity, and sustainability.

Liveability is addressed in the LSPS Planning Priority 10 'Housing Choice'. This noted that while the South District Plan prioritised Miranda and Sutherland as strategic centres, the Council Housing Strategy would look to smaller centres for opportunities for appropriate, low scale infill housing, which would offer more housing choice around lower order centres.

Under consideration would be several approaches including enlarging the centres and increasing height and floor space.



While the LSPS's Planning Priority 12 'Grow Strategic Centre Jobs' doesn't include Jannali, the planning proposal provides the opportunity for increased retail/business floorspace in Jannali, which will contribute to the growth of the Local Centre.

### **Sutherland Shire Community Strategic Plan 2032**

The *Sutherland Shire Community Strategic Plan 2032* identifies the strategic direction and integrated planning framework for the Sutherland LGA. The key strategic outcome that is relevant to the planning proposal includes:

- *A high-quality urban environment, supporting a growing and liveable community*

Within the *Sutherland Shire Community Strategic Plan* is data from public consultation conducted by Sutherland Shire Council. Such data reveals that:

- *37% of residents agree that they feel able to afford a reasonable standard of housing in the Sutherland Shire*
- *65% of residents were satisfied with diversity and choice of housing types*

The Planning Proposal's Concept design would provide an additional 44 residential units to support the forecasted growth of the area. Revitalising the site with a contemporary shop top housing development will deliver a new building with enhanced amenities, on-site shared parking, and improved accessibility compared to the existing site. New apartments would cater to a mix of population types with varying incomes. The Planning Proposal is, in our opinion, consistent with the Sutherland Shire Community Strategic Plan 2032.

### **2020 Sutherland Shire Housing Strategy (to 2031)**

From 2018, the *South District Plan* set out a 20-year target for an increase of 83,500 dwellings in the district and 10,100 additional dwellings within Sutherland Shire. Eighty percent of these new dwellings are to be located close to centres. The Sutherland Shire Housing Strategy to 2031 aligns with the South District Plan and sets out objectives that ultimately assist in meeting such a target. These objectives relevant to the planning proposal include:

- To meet the community need for increased housing choice;
- To encourage redevelopment to promote the revitalisation of centres;
- To facilitate the use of public transport and the efficient utilisation of existing and future infrastructure.

The Concept Proposal addresses these objectives as the need for increased housing choice is met with an additional 44 residential units containing a variety of 1-bedroom, 2-bedroom and 3-bedroom apartments, which accommodates a range of choices and affordability levels.

The Planning Proposal is contributing to the revitalisation of the Jannali Town Centre as it supports forecasted growth and encouraging increased activity within the area.

The site is close to bus stops and the Jannali Train station, encouraging the use of public transport and existing infrastructure, and reducing reliance on cars. The Planning Proposal is, in our opinion, consistent with the objectives of the Sutherland Shire Housing Strategy 2031.

The subject site is within an established residential and commercial area and although it is approximately 150 meters away from a heritage item located at Jannali Train Station, the site is not identified by Council as having any ecological significance. A site-specific increase in the height and FSR is therefore, very unlikely to have any immediate effect on the natural environment.

The area is experiencing a significant increase in the height, bulk and scale of proposed and approved built forms. These cater for growth and contribute to the future character of a desirable and convenient location.

Some of the key site-specific reasons to amend the Sutherland LEP 2015, with consideration of the surrounding existing and approved uses, services, and infrastructure, include:

- Consistent with the *Greater Sydney Region Plan: A Metropolis of Three Cities*; and the *South District Plan*;
- Offers a building that is similar in character to other properties in Jannali, such as those nearby on Mitchell Avenue;
- Optimises site use for future growth based on a transit-oriented development approach and accentuating prominent locations, including core areas;
- Complementary use to the nearby residential uses;
- Close to various public transport connections:
  - Approximately 70 metres to the Box Road bus network;
  - Approximately 150 metres to train and bus services from Jannali Railway Station.
  - Jannali Railway Station provides a service towards the nearby ferry terminal at Cronulla, which provides services to Bundeena.
  - Bus services provide regular access to surrounding areas such as Miranda Westfield and Oyster Bay Shops.
  - Train services provide access to Sydney CBD, and Domestic and International Airports.
- Proximity to nearby uses:
  - Nearby and neighbouring properties provide retail, business and medical services.
  - Approximately 2km from Woronora Memorial Park.

Accordingly, in our opinion, the site-specific planning proposal has merit and can be supported.

Additionally, aligning with the South District Plan, Sutherland Shire Council conducted a community consultation study that focused on housing in the future. Within the Sutherland LGA, there is a greater appetite for apartments in centres [source: Sutherland Shire Council, 2021, 'Housing Our Community']. This further demonstrates the Planning Proposal has merit and can be supported.

The Sutherland Shire Housing Strategy is being updated and at time of writing the Local Housing Strategy [dd: May 2023] was not yet adopted. The May 2023 document has been discussed in our response to Question 3, in this section.

### **5.2.3 Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

Yes, the proposal is consistent with the following State and regional studies and strategies:

- Housing 2041: NSW Housing Strategy
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP65);
- Future Transport Strategy: Our Vision for Transport in NSW;

**Housing 2041** – This is a whole-of-government approach that establishes a 20-year vision for the people of NSW. It sets a long-term strategy for better housing outcomes, focusing on supply, affordability, diversity, and resilience for metropolitan and regional NSW. The key objectives of this plan are:

- Enhanced partnerships and cross-sector collaboration;
- Increased support for those most in need;
- More investment in housing that is adaptable to changing needs and environments;
- Improved alignment of housing with infrastructure and community services for NSW communities;
- Additional support for first home buyers; and
- Continued support for people in the private rental market.

This planning proposal will allow increased investment in Jannali, to provide more well-designed housing in an existing area with infrastructure and community services. It will offer opportunities for first home buyers and potential additional dwellings in the private rental market.

**SEPP 65** – Gray Puksand Architects have prepared an indicative Concept shop top housing proposal which has been designed with SEPP65 compliance at the forefront. The concept proposal demonstrates a future development application based on the current planning proposal, will provide suitable accommodation that can accommodate smart technology, reduced carbon footprints, and housing which can accommodate diverse households.

**Future Transport Strategy** – A Strategy priority includes a thriving 15-minute neighbourhood, with tree canopy cover and shade, quality of public spaces, well-designed roads and pathways, and a concentration of activities that bring people onto streets.

*During the COVID-19 pandemic, people interacted more within their neighbourhoods, shopping and socialising locally. Increased localisation of day-to-day life led to the revitalisation of some centres, altering the demand for passenger transport and generating new freight activities to service changed patterns of shopping. This trend resulted in stronger local economies that residents and businesses want to maintain.*

The planning proposal offers the opportunity to increase housing close to the transport hub of Jannali Railway State and revitalise the centre. The proximity to the station (and bus services) reduces reliance on car trips.

#### 5.2.4 Q6. Is the planning proposal consistent with applicable SEPPs?

Yes. There are a number of SEPPs that apply to the subject site which relate to matters that would be considered as part of the Planning Proposal. In our opinion, the Planning Proposal is consistent with those relevant SEPPs (see **Annexure A**).

#### 5.2.5 Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

Yes. The Planning Proposal is consistent with the applicable Section 9.1 Ministerial Directions. An assessment of the proposal against the relevant Section 9.1 directions is attached as **Annexure B**. Improving access to housing is key government priority in NSW, and the planning proposal would allow additional levels of residential accommodation in a form which would positively contribute to the revitalisation of Jannali's Local Centre.

## 5.3 Section C – Environmental, Social and Economic Impact

### 5.3.1 Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. The subject site is within an established residential area with nearby residential and commercial uses that has been used for these purposes for many years. The site is not identified by Council as having any ecological significance. For these reasons, it is very unlikely that the Planning Proposal would adversely affect critical habitat, threatened species, populations, ecological communities, or habitats.

### 5.3.2 Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The effects of the planning proposal on Traffic and Heritage are discussed in this Section. Documents including a Traffic Report have been prepared in support of the Planning Proposal, and the effects are discussed below.

The Planning Proposal is very unlikely to affect the significance of heritage items in the vicinity, which are 170 to 200 metres from the site. The likely environmental effects because of the Planning Proposal are considered as follows:

#### Traffic and Parking

A Traffic Report has been prepared by McLaren Traffic Engineering which form part of this submission.

The assessment of the indicative development in lieu of an increased building height and FSR, as well as recommendations to avoid potential issues regarding traffic and parking, are provided. In relation to the overall impact of the Planning Proposal, the report states the following:

- *The concept plan includes the provision of **135** car parking spaces on the ground floor and over three (3) basement car parking levels, satisfying the controls of Council's DCP and demonstrating that the site can accommodate the parking requirements of an increased scale of development.*
- *Servicing and loading can be catered for at the rear of the site, with access from Leopold Lane. This servicing and loading access arrangement satisfies Council's DCP requirements, nothing that the design can be certified upon detailed design.*
- *When considering the existing uses of the subject site compared the proposed development, the net change in traffic generated by the site is in the order of **-11** vehicle trips (-9 in, -2 out) and **-14** vehicle trips (-5 in, -9 out) in the AM and PM peak hour periods, respectively. It is evident that the proposed development will act to **REDUCE** vehicular trips associated with the subject site and therefore, improve the conditions of the surrounding road network.*
- *The traffic generated by the development is minimal when considering the existing traffic volumes in the local area and will not adversely affect the performance of nearby critical intersections or the existing road network, particularly in terms of Level of Service, traffic flow efficiency, residential amenity and road safety considerations.*

*In view of the foregoing, the subject planning proposal is supportable in terms of traffic flow, road safety and parking impacts. It is recognised that this assessment has been informed by a concept masterplan for the site and a more detailed assessment would be required when considering the future buildings.*

#### Heritage

The Planning Proposal is unlikely to have any heritage implications as the subject site is not a heritage item and is not located within a Heritage Conservation Area. The heritage items to the west at Mitchell Avenue are some distance from the subject site and their heritage significance is unlikely to be affected (see **Figure 22**, on the following page).

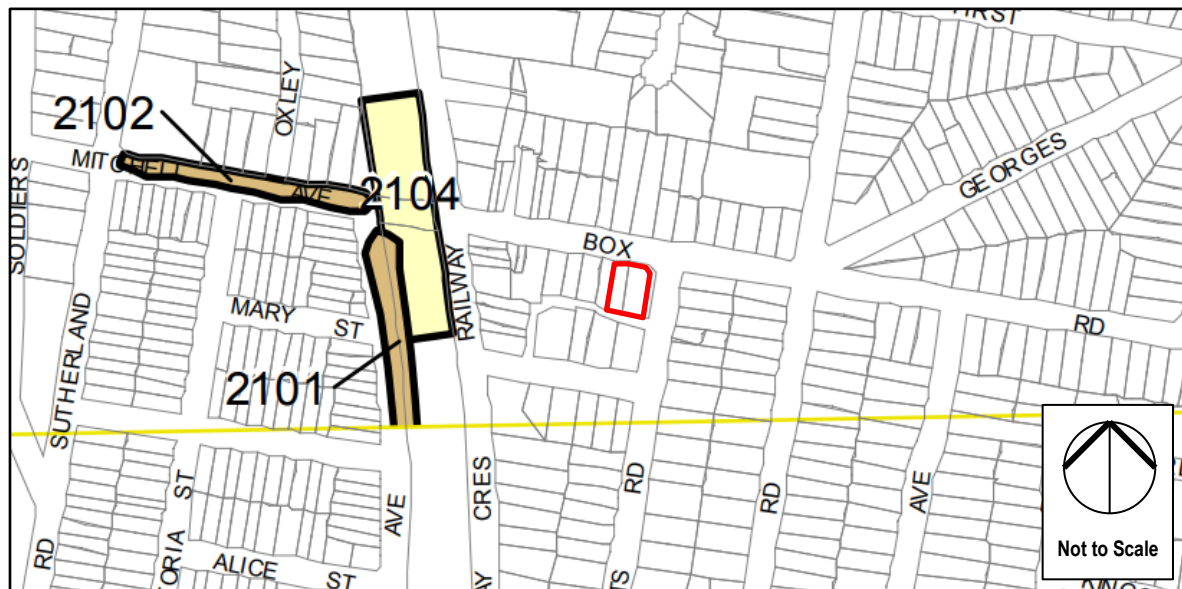



Figure 22: LEP Heritage Map

 Subject Site

### 5.3.3 Q10. Has the planning proposal adequately addressed any social and economic effects?

The following responses are provided to issues raised in the *Local Environmental Plan Making Guideline*, in relation to social and economic effects.

- Effects on items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere**

**Response:** The site is an urban site, which has been modified and is identified as a Heritage site and is not known to have an association with Aboriginal cultural heritage.
- Estimate the number of jobs or housing growth (e.g., construction/post-construction and housing diversity)**

**Response:** An Economic Analysis was prepared by Macroplan Holdings Pty Ltd which estimated the following benefits in terms of jobs and increased housing diversity created by the proposal (with final figures are subject to confirmation of development application):

*The rezoning (and its subsequent site redevelopment) can support the local economy and complement the existing town centre by providing affordable housing stocks and promoting industry diversification. It will also generate more employment during the planning, construction, and maintenance stages.*

*In addition, it is our professional opinion that the potential site redevelopment format can deliver about 18 to 22 FTE direct jobs (operational). However, the operational employment outcome is subject to several variables including economic growth trajectory or systematic risk (e.g., recession, policy changes, international conditions). Therefore, the potential FTE direct jobs could be higher or lower than our estimate. However, the employment outcome from the potential site redevelopment configuration will surpass the current land use(s).*

*Further to this, the additional direct job creation will generate additional 17 to 21 indirect and induced jobs outside the planned residential development on the subject site (i.e., indirect, and induced jobs).*

*The proponent also indicated that the capital investment value of this project is expected to be approximately \$25 million. Based on this capital investment value, 30 to 40 full-time equivalent jobs per annum directly in the construction industry and a further 50 to 60 full-time equivalent jobs per annum indirectly (for example, jobs in transport, fabrication, planning and design etc).*

- **Response:** *Identify the impact on existing social infrastructure, such as schools and hospitals*  
The majority of the 44 dwellings are one- and two-bedroom apartments with nine apartments being three-bedroom. Therefore, it is expected most apartments will be occupied by one and two persons. This is not likely to result in a significant change in demand on existing social infrastructure.
- **Response:** *Identify the need for public open space or impacts on green infrastructure*  
The site being within a Local Centre zone, there is no green infrastructure within the site or in its immediate vicinity. In considering the need for open space, the Concept Proposal includes a roof top communal open space area for future residents. **Figure 4** (previously) shows the many varied Open Space Recreation & Community Facility opportunities within 800 metres of the site.
- **Response:** *Identify the impact on existing retail centres*  
Several benefits are associated with the proposal:
 
  - Increased retail/business space availability – the proposal provides an additional floor area over the existing retail space, in contemporary premises, that addresses all three street frontages.
  - Additional workers within the enlarged retail/business spaces will contribute to the local economy;
  - Residents of the proposed 44 apartments will contribute to the local economy, by shopping, frequenting local businesses and availing themselves of local services in the Jannali centre.
  - The proposed 75 parking spaces include 11 for the retail/business component, which will reduce on-street parking demand by retailers and their customers.
  - The rear loading dock from Leopold Lane will allow deliveries to the rear of the site, instead of from Box Road.
- **Response:** *Identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required*  
As demonstrated by the concept building design, the Planning Proposal provides additional retail/business space and new residential accommodation on the site. The social and economic benefits include an increased number of dwellings and high amenity accommodation in a central location.
- **Response:** *Identify any proposed public benefits*  
The Planning Proposal will create several positive public benefits including:
 
  - Revitalising the site and providing a high-quality development in a well-connected location;
  - Contemporary accommodation which can achieve compliance with current Apartment Design Guide requirements, for greater amenity;
  - Additional residential accommodation which is close to transport; employment centres; and Sydney's CBD. This meets the objectives and planning priorities of *Greater Sydney Region Plan: A Metropolis of Three Cities*;
  - Carefully designed built form to maintain adequate solar access to the public domain and adjoining development;

- Additional local expenditure from an increase in future residents correlating with the increased number of apartments;
- Additional employment during the construction process both directly and indirectly;
- The Planning Proposal achieves the objectives for the E1 Local Centre Zone and promotes increased development to revitalise the Jannali Town Centre. The subject site is close to well-serviced public transport and retail services; and
- The variety of apartments will cater to a range of age groups, households, and demographics. The Concept could potentially offer more affordable housing options within the locality for new homeowners, or for down-sizers.

Accordingly, in our opinion, the Planning Proposal addresses the social and economic effects to the public in amending the LEP development standards for Building Height and FSR, to accommodate the concept proposal.

## 5.4 Section D – Infrastructure (Local, State and Commonwealth)

### 5.4.1 Q11. Is there adequate public infrastructure for the planning proposal?

Yes. The subject site is within an established urban area currently serviced by adequate water, sewer and electricity infrastructure which can be upgraded for future development. The Concept Proposal has considered the potential road widening of Leopold Lane.

As previously discussed, the site is close to a variety of public transport connections including Jannali Train Station to the west and there are bus stops near the site on Box Road, and a bus interchange on Jannali Avenue. These increase the transport sustainability of the Proposal.

Additionally with shopping facilities, restaurants, entertainment, and other services at Jannali Town Centre, walkability is increased, and reliance on car travel is decreased.

The planning proposal is consistent with the objectives of the Sutherland Shire LEP 2015 E 1 Local Centre zone. The subject site is zoned E1 Local Centre under the LEP, gazetted on 23 June 2015 (see **Figure 6**, previously). Shop top housing is permissible with development consent.

The LEP Land Use Table contains the objectives for the E1 Local Centre Zone. The relevant objectives and our response are stated, inter alia:

*Objective:* To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

**Response:** The ground floor and lower ground floor spaces will be suitable for a variety of retail and business uses that will serve local residents, workers, commuters, and visitors to the area.

*Objective:* To encourage investment in local commercial development that generates employment opportunities and economic growth.

**Response:** With retail/business services, the site provides employment opportunities during construction and afterwards as retail/business space and residential dwellings. A shop top housing development would increase residential dwellings in the area, and commercial/retail services, therefore providing important opportunities to the people in the area.

<b>Objective:</b>	<i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i>
<b>Response:</b>	The site is approximately 150 meters of the Jannali train station, therefore in easy walking distance, which encourages active transport for future residents, workers, and customers of a future shop top housing development, anticipated for the site.
<b>Objective:</b>	<i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i>
<b>Response:</b>	Retail and business premises are being maintained at street level, while residential dwellings are added above.
<b>Objective:</b>	<i>To create an attractive, vibrant and safe public domain that has both a high standard of urban design and public amenity that is designed to cater for the needs of all ages and abilities.</i>
<b>Response:</b>	The site will have user-friendly design, effectively enabling access by people of all ages and abilities, maintaining desirable public amenity. A future development proposal would have lifts from basement to penthouse level, for ease of mobility throughout the site. The site is also close to public transport and in easy walking distance of other nearby retail/business developments.
<b>Objective:</b>	<i>To provide a mix of compatible land uses and building forms that act as a transition to the surrounding residential neighbourhood.</i>
<b>Response:</b>	Future shop-top housing on the site would cater for retail, business, and residential uses, which all complement the surrounding neighbourhood. The concept proposal demonstrates neighbour amenity can be achieved.

## 5.5 Section E – State and Commonwealth Interests

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

From our review, the proposal is not likely to affect any interest of State or Commonwealth authorities.

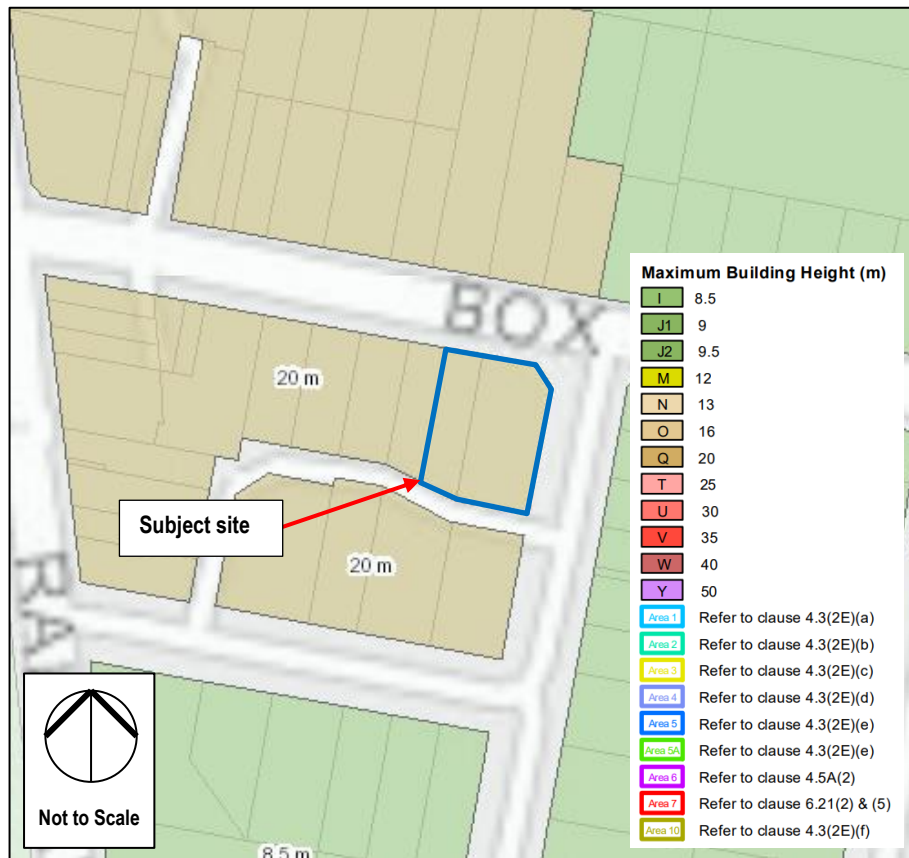


## 6.0 PART 4 – MAPS

Changes are proposed only to the Height of Buildings and Floor Space Ratio Development Standards. Therefore, this section contains a description of the Current Development Standards, the Proposed Revised Development Standards, and the corresponding LEP maps.

### 6.1 Current Development Standards

The following maps relate specifically to Sutherland Shire LEP 2015 as existing (see **Figures 23 & 24**).



**Figure 23:** Current Height of Buildings Map Sheet HOB\_005

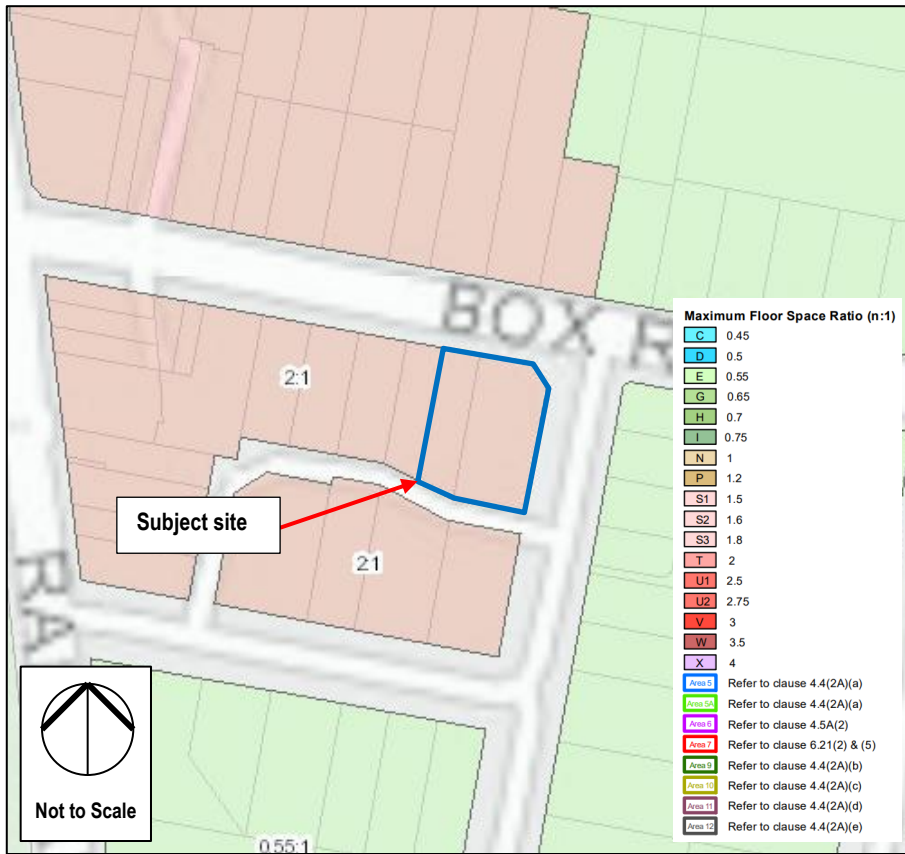


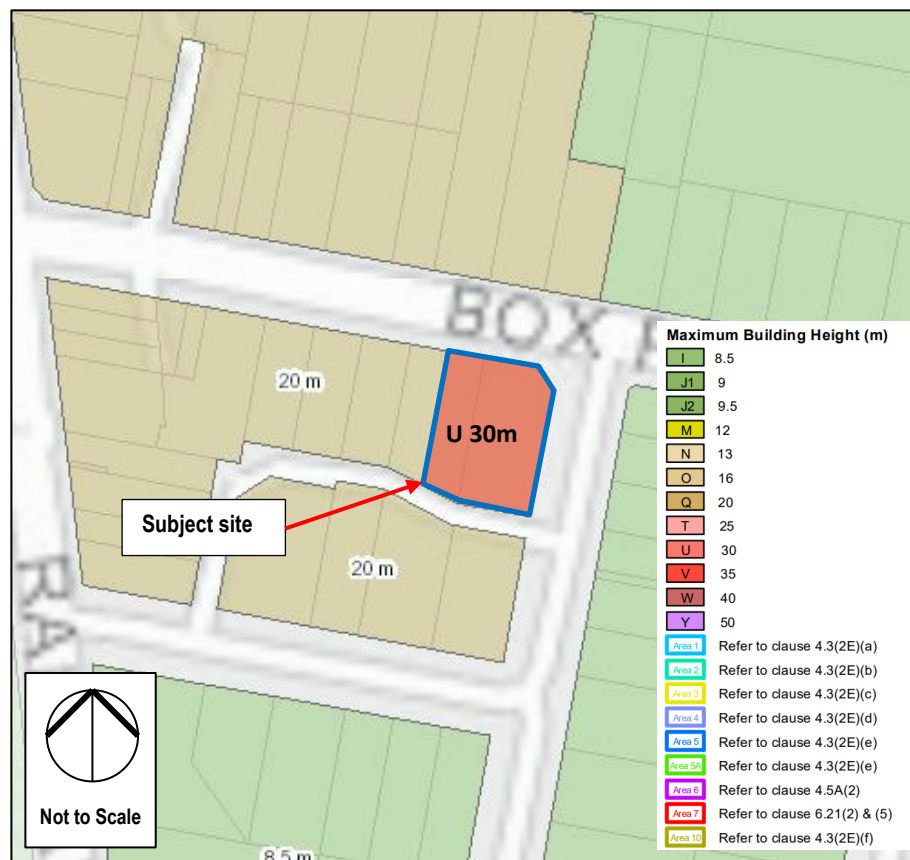
Figure 24: Current Floor Space Ratio Map Sheet FSR\_005

## 6.2 Proposed Revised Development Standards

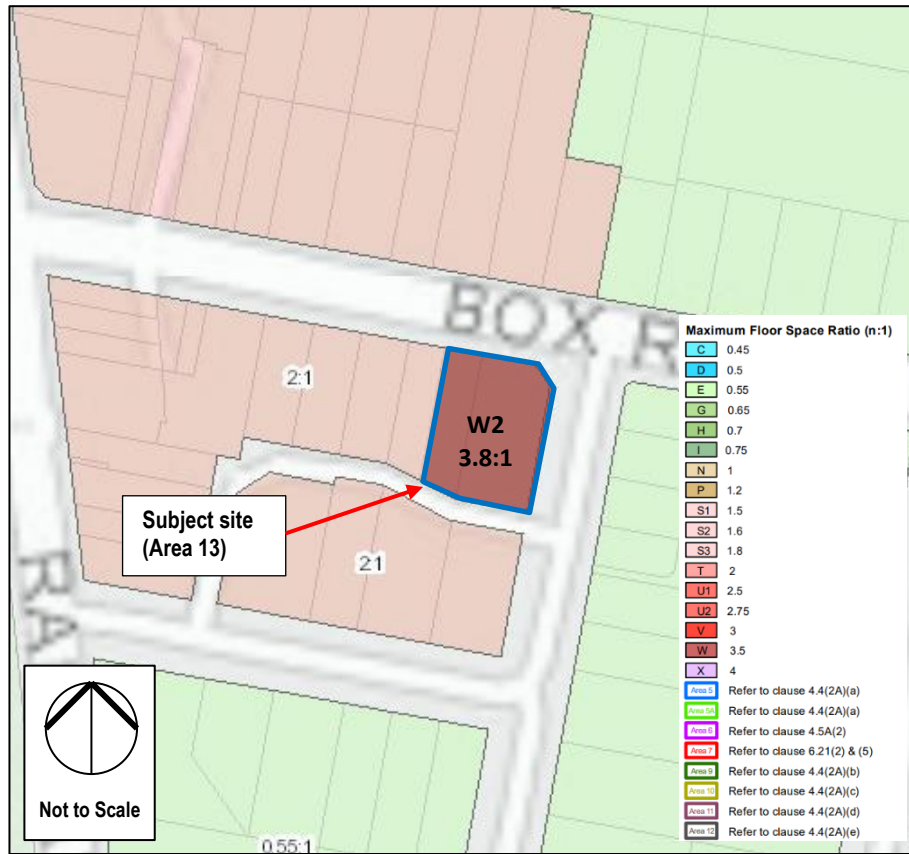
TABLE 1: PROPOSED MAPPING AMENDMENTS TO SUTHERLAND SHIRE LEP 2015	
LEP Map Sheet Number	Proposed Amendments
Height of Buildings Map Sheet HOB_005	Amend the building height from 20m (Q) to 30m (U), at Nos. 544-550 Box Road
Floor Space Ratio Map FSR_005	Amend the floor space ratio from 2:1 (T) to 3.8:1 (W2) applying to the subject site at Nos. 544-550 Box Road [based on current amalgamated site area]. A requirement that minimum 0.6:1 of the total FSR would be retail/business use (including amenities and facilities) can be included in an additional LEP clause (Area 13).

To give effect to the Planning Proposal, mapping amendments would be required to the Height of Buildings and Floor Space Ratio Maps (see **Table 1**).

The following maps relate specifically to Sutherland Shire LEP 2015 as proposed (see **Figure 25** below, and **Figure 26** on the following page).



**Figure 25: Proposed Height of Buildings Map**



**Figure 26: Proposed Floor Space Ratio Map Sheet FSR\_005**  
**W2 = 3.8:1**  
**[based on current amalgamated site area]**

## 7.0 PART 5 – COMMUNITY CONSULTATION

This section discusses consultation and outcomes undertaken with Council, state agencies, or authorities during the pre-lodgement stage. It also refers to community consultation undertaken, and consultation with other key stakeholders.

### 7.1 Consultation with Council

This Planning Proposal will be referred to Sutherland Shire Council for comment, prior to lodgement.

### 7.2 State Agencies

From our review, it would appear from reviewing the site location, the Planning Proposal does not require referral to State or Commonwealth agencies.

### 7.3 Community & Stakeholder Consultation

An *Engagement Stakeholder and Community Strategy* has been prepared by Primary Engage, which includes the following objectives:

- Identify all stakeholders who have an interest in the proposal;
- Identify the issues that will be of concern to stakeholders;
- Plan engagement activities for all stakeholders, which might include letters, newsletters, targeted emails; information brochures; and items on Radio 2SSSR, the local community radio station and in the St George & Sutherland Shire Leader newspaper (hard copy and online);
- Prepare clear messages about the proposal; and
- Provide an outline of clear communications tools and channels for the community and other stakeholders to express their views regarding the project.

#### 7.3.1 Initial Engagement

The intention is to introduce the proposal and the owners during the initial exhibition period of the Planning Proposal, by undertaking preliminary engagement with stakeholders and consider concerns raised. This could include establishing a project website; with a contact 1800 phone number and email address; and discussions with some stakeholders.

#### 7.3.2 Community Consultation following Gateway Determination

Community consultation would take place following a Gateway determination, in accordance with Section 3.34 and Schedule 1, Clause 4 of the Environmental Planning and Assessment Act 1979.

*'Local Environmental Plan Making Guidelines'* states that the gateway determination will specify the community consultation that must be undertaken on the planning proposal. Schedule 1 of the *Environmental Planning and Assessment Act 1979* provides a nominated exhibition period of 28 days, or as follows:

**4 Planning proposals for local environmental plans subject to a gateway determination (Division 3.4)**

*Minimum public exhibition period for planning proposals for local environmental plans subject to a gateway determination—*

*(a) if the gateway determination for the proposal specifies a period of public exhibition—the period so specified, or*

- (b) if the gateway determination for the proposal specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition, or*
- (c) otherwise—28 days.*

Public exhibition of the Planning Proposal is likely in the following forms:

- Notification in the newspaper that circulates in the area and is online: the St George & Sutherland Shire Leader;
- Notification in writing to affected and adjoining landowners; unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.
- Notification on the Sutherland Shire Council website.

Additional engagement opportunities which could be offered include:

- Surveys;
- Newsletters;
- Updates on website;
- Phone call responses to proposal's 1800 number;
- Email responses to project email address;
- Radio opportunities on 2SSR – community radio;
- Media releases to local media;
- Community group meeting attendance to explain the proposal; and
- One on one meetings, as/if required.

During the exhibition period, the following material concerning the Planning Proposal will be made available:

- The Planning Proposal in the form approved for community consultation by the Gateway determination;
- The Gateway determination; and
- Any information or technical information relied upon by the Planning Proposal.

The community consultation for this Planning Proposal will be considered complete only when the PPA has considered any submissions made concerning the proposed LEP and the report of any public hearing into the proposed LEP.

## 8.0 PART 6 – PROJECT TIMELINE

This anticipated project timeline has been provided to effectively monitor the progress of the Planning Proposal during the plan-making stage and assist with resourcing to minimise potential delays (see **Table 2**)

<b>TABLE 2: PROJECT TIMELINE</b>	
<b>MILESTONE</b>	<b>DATE</b>
Consideration by Council	<b>November 2023</b>
Council decision	<b>December 23</b>
Gateway determination	<b>January 2024</b>
Pre-exhibition	<b>February 2024</b>
Commencement and completion dates for public exhibition period 28 days exhibition – plus notification and advertisement period.	<b>February/March 2024</b>
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	<b>February/March 2024</b> 28 days – runs concurrently with the exhibition period
Consideration of submissions	<b>April 2024</b> 4 weeks for consideration
Post-exhibition review & additional Studies	<b>May 2024</b>
Submission to the Department for finalisation	<b>September 2024</b>
Gazettal of LEP amendment	<b>December 2024</b>
Development approval	<b>Jan 2025 to Sept 2025</b>
Construction	<b>December 2025 to Sept 2027</b>

## 9.0 ADDITIONAL CONSIDERATION – BUILT FORM

The Concept Proposal's built form takes into consideration both the existing character of the area and future development nearby. The Concept Proposal would meet the community's housing needs by providing new apartments and associated facilities on site as a result of the Planning Proposal. Views prepared of the proposed development in the streetscape, demonstrate the proposal's form and scale will provide a positive contribution to the streetscapes of both Box Road and Roberts Street (see **Figures 27 & 28**, below, and **Figure 299**, on the following page).

Importantly the proposed scale of the subject site will be compatible contextually with the nearby approvals on Mitchell Avenue, which demonstrate the evolving and future character. The scale of the building will also accommodate for and support the future growth and context of the area, which is also being significantly encouraged by the Planning Proposal approval at No. 42a Railway Crescent.

The Planning Proposal recognises the importance of maintaining amenity for nearby residents. As previously discussed, the Planning Proposal is sensitive to maintaining solar access, outlooks, and acoustic and visual privacy to residential buildings directly to the east of the subject site. The Conceptual built form is compliant with ADG requirements, which would be applicable for a future development on the site, post-Planning Proposal approval.



Source: Gray Puksand Architects

**Figure 27:** The Concept Proposal, as viewed from Box Road, with 20m and 30 envelopes shown



Source: Gray Puksand Architects

**Figure 28:** Side Elevation - The Concept Proposal, as viewed from Roberts Street



As noted previously, the site is located at the top of the Local Centre, as Box Road rises from the intersection with Railway Crescent. As the area is redeveloped, the additional height and FSR will be contextually appropriate in the future Jannali Local Centre (see **Figure 29**).



Source: Gray Puksand Architects

***Existing Context***



Source: Gray Puksand Architects

***Future Context (Showing southern side of Box Road, only)***

**Figure 29:** View from Corner of Box Road and Railway Crescent

The Concept Proposal demonstrates an elegant built form can be achieved on the site, providing the podium required in Council's DCP, and well-designed residential accommodation above.

## **ANNEXURE A: LIST OF SEPPS**

SEPP	APPLIES TO SITE/COMMENTS
SEPP No 1—Development Standards	Not Applicable LEP is a Standard Instrument Format and includes Clause 4.6 Exception to Development Standards
SEPP No 30—Intensive Agriculture	Not Applicable
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP No 62—Sustainable Aquaculture	Not Applicable
SEPP (Industry and Employment) 2021	Not Applicable
<b>SEPP No 65—Design Quality of Residential Flat Development</b>	<b>Applicable</b>
<b>SEPP (Housing) 2021</b>	<b>Applicable</b>
<b>SEPP (Building Sustainability Index: BASIX) 2004</b>	<b>Applies, would be addressed at DA Stage</b>
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Planning Proposal
<b>SEPP (Resilience and Hazards) 2021</b>	<b>Applicable</b>
SEPP (Precincts – Regional) 2021	Not Applicable
SEPP (Transport and Infrastructure) 2021	Not Applicable
SEPP (Precincts – Central River City) 2021	Not Applicable
SEPP (Resources and Energy) 2021	Not Applicable
SEPP (Miscellaneous Consent Provisions) 2007	Applies to the site and may be relevant for temporary structures
SEPP (Precincts – Western Parkland City) 2021	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (Planning Systems) 2021	Not Applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not Applicable
<b>SEPP (Biodiversity and Conservation) 2021</b>	<b>Applicable</b>
SEPP (Primary Production) 2021	Not Applicable
Regional Environmental Plans – Deemed SEPPs	APPLIES/COMMENTS
SREP No 9 - Extractive Industry (No 2 – 1995)	Not Applicable

## **ANNEXURE B: CONSIDERATION OF SECTION 9.1 DIRECTIONS**

SECTION 9.1 DIRECTIONS		APPLICABLE/ NOT APPLICABLE
<b>1. Employment Resources</b>		
1.1 Business and Industrial Zones		<b>Applicable (see A1.0)</b>
1.2 Rural Zones		Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries		Not Applicable
1.4 Oyster Aquaculture		Not Applicable
1.5 Rural Lands		Not Applicable
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones		Not Applicable
2.2 Coastal Management		Not Applicable
2.3 Heritage Conservation		Not Applicable
2.4 Recreation Vehicle Areas		Not Applicable
2.5 Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs		Not Applicable
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones		Not Applicable
3.2 Caravan Parks and Manufactured Homes Estates		Not Applicable
3.3 Home Occupations		Not Applicable
<b>3.4 Integrating Land Use and Transport</b>		<b>Applicable (see A2.0)</b>
3.5 Development Near Regulated Airports and Defence Airfields		Not Applicable
3.6 Shooting Ranges		Not Applicable
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils		Not Applicable
4.2 Mine Subsidence and Unstable Land		Not Applicable
4.3 Flood Prone Land		Not Applicable
4.4 Planning for Bushfire Protection		Not Applicable
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies		Applicable
5.2 Sydney Drinking Water Catchments		Not Applicable
5.3 Farmland of State and Regional Significance of the NSW Far North Coast		Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)		Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)		Not Applicable

5.9 North West Rail Link Corridor Strategy	Not Applicable
<b>5.10 Implementation of Regional Plans</b>	<b>Applicable (see A3.0)</b>
5.11 Development of Aboriginal Land Council	Not Applicable
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	<b>Applicable (see A4.0)</b>
6.2 Reserving Land for Public Purposes	Not Applicable
6.3 Site Specific Provisions	Not Applicable
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of A Plan for Growing Sydney (Greater Sydney Region Plan: A Metropolis of Three Cities, March 2018)</b>	<b>Applicable (see A5.0)</b>
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not Applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not Applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable

## CONSIDERATION OF RELEVANT SECTION 9.1 MINISTERIAL DIRECTIONS

A discussion regarding the relevant directions, is provided in the following pages.

### A1.0 Direction 1.1 Business & Industrial Zones

This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted. The objectives of this direction are stated below:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

The Planning Proposal is based on existing site boundaries and the medium density use of the site. The Planning Proposal will allow for future development comprising a mix of one-, two- and three-bedroom apartments to provide for various existing and future housing needs.

The subject site is close to public transport, medical, educational, retail, and commercial services that have capacity to accommodate the increase in residents that the Planning Proposal will generate. Importantly, there are no significant environmental or resource lands nearby the subject site, and no anticipated impacts of the Proposal on these lands.

The Proposal will retain the retail/business use of the site whilst augmenting the locally available housing mix by providing new apartments near shops, services, and importantly, Jannali Railway Station. The Proposal is consistent with this direction.

## **A2.0 Direction 3.4 Integrating Land Use and Transport**

The direction applies when a relevant planning authority prepares a Planning Proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objectives of this direction are stated below:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Although the zone is unchanged, the Proposal's intensification is consistent with the objectives of Direction 3.4 due to the site's proximity to public transport.

The site is within the Jannali Local Centre and close to the Sutherland Centre, the next train station. It is approximately 160m from the Jannali Railway Station, which services both the T4 line (Bondi Junction to Waterfall/Cronulla) and the South Coast Line (Bondi Junction/Central to Bomaderry/Port Kembla). As noted in the Engagement Stakeholder and Community Strategy:

*Jannali train station is one of the busiest stations on the Cronulla line servicing a wide area that takes in Jannali, Oyster Bay, Bonnet Bay, Kareela, north and west Sutherland and parts of the Menai area due to the frequency of services to and from Jannali.*

The frequency of services which stop at Jannali, make the location a very desirable one for commuters, and as a result, increased commuter car parking is required. As a result, the previous State Government planned a multi-deck car park close to the western side of the railway station. This was withdrawn following residents' complaints, and instead a commuter car park was proposed as part of the Woolworths planning proposal.

The Nos. 967 & 968 bus services provide regular links between Miranda Westfield, Oyster Bay Shops, and other temporary destinations (at time of preparing this report). A bus interchange is on the opposite side of the Railway Station in Jannali Avenue.

The site's accessibility to public transport and local retail facilities and services satisfies the objectives of the direction as it reduces car dependency. The Proposal is consistent with this direction.

### **A3.0 Direction 5.10 Implementation of Regional Plans**

Under *Greater Sydney Region Plan: A Metropolis of Three Cities*, The *South District Plan* was released in March 2018 and applies to the Sutherland Shire LGA. An assessment of the Proposal against the relevant Planning Priorities and Objectives is in Section 5.2 of this report. In our opinion, the Proposal is consistent with the direction.

### **A4.0 Direction 6.1 Approval and Referral Requirements**

The direction applies when a relevant planning authority prepares a Planning Proposal. The objective of the direction is 'to ensure that LEP provisions encourage the efficient and appropriate assessment of development'.

The Planning Proposal does not propose any controls that amend concurrence or referral procedures in the LEP. The Proposal is consistent with this direction.

### **A5.0 Direction 7.1 Implementation of A Plan for Growing Sydney (*Greater Sydney Region Plan: A Metropolis of Three Cities*, March 2018)**

*A Plan for Growing Sydney* was released in December 2014 and applied to the Sydney Metropolitan Area. The plan was intended to guide the delivery of housing, employment, infrastructure, and open space over the next 20 years. That plan did not apply to the Sutherland Shire LGA.

The plan was superseded by the *Greater Sydney Region Plan: A Metropolis of Three Cities* since March 2018, which applies to the Sutherland Shire LGA.

A detailed assessment of the proposal against the *Greater Sydney Region Plan: A Metropolis of Three Cities* is in **Section 5.2** of this report. In our opinion, the Proposal is consistent with the direction.



## **ANNEXURE C: 'A GUIDE TO PREPARING PLANNING PROPOSALS' CHECKLIST**

The Department of Planning & Environment's 'Local Environmental Plan Making Guidelines' [August 2023] provides guidance and information on the process for preparing Planning Proposals. The following checklist is based on the requirements outlined in the guide, to display the Planning Proposal has addressed each requirement:

Requirement Under Part 2	Addressed in Planning Proposal
<p><b>Part 1 – Objectives or Intended Outcomes</b></p> <p><i>Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved.</i></p>	<p>✓ Section 3.0</p>
<p><b>Part 2 – Explanation of Provisions</b></p> <p><i>The explanation of provisions is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing LEP.</i></p>	<p>✓ Section 4.0</p>
<p><b>Part 3 – Justifications</b></p> <p><i>Questions to consider when demonstrating the justifications.</i></p> <p><b>Section A – need for the planning proposal.</b></p> <p>Q1. <i>Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?</i></p> <p>Q2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i></p> <p><b>Section B – relationship to the strategic planning framework</b></p> <p>Q3. <i>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)?</i></p> <p>Q4. <i>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?</i></p> <p>Q5. <i>Is the planning proposal consistent with any other applicable State and regional studies or strategies?</i></p> <p>Q6. <i>Is the planning proposal consistent with applicable SEPPs?</i></p> <p>Q7. <i>Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?</i></p>	<p>✓ Section 5.1.1</p> <p>✓ Section 5.1.2</p> <p>✓ Section 5.2.1</p> <p>✓ Section 5.2.2</p> <p>✓ Section 5.2.3</p> <p>✓ Section 5.2.4 <b>(Annexure A)</b></p> <p>✓ Section 5.2.5 <b>(Annexure B)</b></p>

<p><b>Section C - Environmental, Social &amp; Economic Impact</b></p> <p>Q8. <i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</i></p> <p>Q9. <i>Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</i></p> <p>Q10. <i>Has the planning proposal adequately addressed any social and economic effects?</i></p> <p><b>Section D – Infrastructure (Local, State &amp; Commonwealth)</b></p> <p>Q11. <i>Is there adequate public infrastructure for the planning proposal?</i></p> <p><b>Section E –State &amp; Commonwealth Interests</b></p> <p>Q12. <i>What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?</i></p>	<p>✓ Section 5.3.1</p> <p>✓ Section 5.3.2</p> <p>✓ Section 5.3.3</p> <p>✓ Section 5.4.1</p> <p>✓ Section 5.5.1</p>
<p><b>Part 4 – Maps</b></p> <p><i>Planning proposals should be supported by relevant and accurate mapping where appropriate. The mapping should be clear and accurately identify, at an appropriate scale, relevant aspects of the proposal</i></p>	<p>✓ Section 6.0</p>
<p><b>Part 5 – Community Consultation</b></p> <ul style="list-style-type: none"> <li>• <i>Consultation and outcomes undertaken with council, state agencies or authorities during the pre-lodgement stage</i></li> <li>• <i>Any community consultation undertaken, or consultation with other key stakeholders</i></li> </ul> <p><i>It should set out the extent of consultation having regard for the public exhibition requirements in Section 1 of this guideline. The Gateway determination will also outline the required public exhibition period based on the different planning proposal categories.</i></p>	<p>✓ Section 7.0</p>

**Part 6 – Project Timeline**

*The timeframe for the completion of the planning proposal will depend on the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. The following details should be provided as a minimum in the project timeline:*

- *anticipated commencement date (date of Gateway determination)*
- *anticipated timeframe for the completion of required technical information*
- *timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)*
- *commencement and completion dates for public exhibition period*
- *dates for public hearing (if required)*
- *timeframe for consideration of submissions*
- *timeframe for the consideration of a proposal post exhibition*
- *date of submission to the Department to finalise the LEP*
- *anticipated date the local plan-making authority will make the plan (if authorised)*
- *anticipated date the local plan-making authority will forward to the PCO for publication.*

✓ Section 8.0

**ANNEXURE D: Evaluation Criteria for the issuing of an authorisation**

## ANNEXURE D: Evaluation Criteria for the issuing of an authorisation

The following table has been prepared to summarise the Evaluation Criteria.

(Note: where the matter is identified as relevant and the requirement has not been met, Council is to attach information to explain why the matter has not been addressed)

	Council Response		Department Assessment	
	Yes/No	Not Relevant	Agree	Not Agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?  Note: The description of the heritage item as required by Council's resolution is not consistent with the Department's Planning Practice Note 11-001	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			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant section 9.1 planning directions?	Y			
Is the planning proposal consistent with all relevant state environmental planning policies?	Y			
<b>Minor mapping error amendments</b>	<b>Y/N</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?		NR		
<b>Heritage LEPs</b>	<b>Y/N</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 Division?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Division if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of state heritage significance and if so, have the views of the Heritage Division been obtained?	N			
<b>Reclassifications</b>	<b>Y/N</b>			
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			
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NR		

Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act 1993?		NR		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NR		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		NR		
Has council acknowledged in its planning proposal that a public hearing will be required and agreed to hold one as part of its documentation?		NR		
<b>Spot Rezoning</b>				
Will the proposal result in a loss of development potential for the site (ie 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?		NR		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NR		
Does the planning proposal create an exception to a mapped development standard?	N			
<b>Section 3.22 Matters</b>				
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?;	N			
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or	N			
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?	N			
(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).				

**ANNEXURE E: The Concept Proposal to Demonstrate the Proposal Height and FSR**



## **ANNEXURE E: The Concept Proposal to Demonstrate the Proposal Height and FSR**

### **Built Form and Land Use**

A Concept development has been proposed to articulate and to illustrate the proposed increases to FSR and Building Height. While this concept is quite detailed, there are still opportunities to finesse the design, however, in our opinion, the Concept Proposal provides confirmation that a future development on the site would be capable of meeting the necessary requirements; including Council's LEP and DCP requirements; and objectives and controls of the Apartment Design Guide and SEPP 65.

The Concept Proposal would demolish the existing buildings on the site and construct a new eight-storey shop-top housing development, with three levels of basement parking for residents, and one lower ground floor parking area for retail/business parking. At the street level, the ground floor will comprise five retail/commercial tenancies: four facing Box Road and Roberts Street; and one facing Leopold Lane.

The first floor to the sixth floor will each comprise three one-bedroom dwellings, three two-bedroom dwellings, and one three-bedroom dwellings, with layouts to be finalised. The seventh residential level will have two three-bedroom dwellings and a communal open space area for all the residents.

The proposed shop-top housing building has a gross floor area (GFA) of 4,496m<sup>2</sup> and an FSR of 3.8:1, based on the current amalgamated site area.

It will replace the existing dated buildings of limited visual appeal with a skilfully designed contemporary shop-top housing development. The contemporary façade will be well-modulated and highly articulated to enhance visual presentation. The proposal will utilise high-quality and durable materials and integrate landscaping across the site to enhance the streetscape presentation to Box Road, Roberts Street and Leopold Lane, compared to the existing situation where there is limited interaction for most of the elevation facing Roberts Street, and only a car park entrance at Leopold Lane.

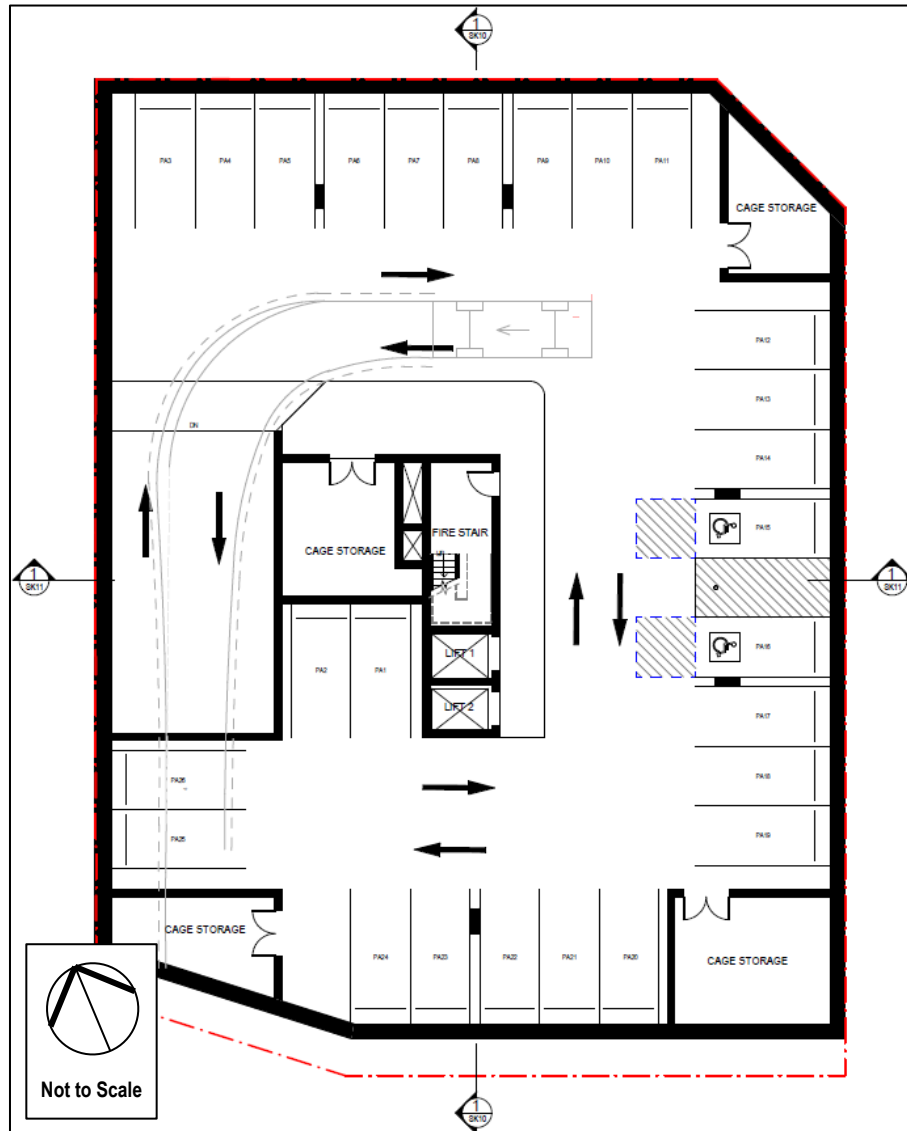
A future development application could include bicycle parking and end of trip facilities within the building, an inbuilt substation (to minimise disruption of footpath areas); external bicycle racks supplied and installed in footpath areas (to Council's specifications) and electric vehicle charging points on Roberts Street (to Council's specifications).

Each proposed residential dwelling will have private open space as a balcony or terrace, directly accessible from the main living area. Each dwelling will also have access to a communal roof terrace open space area. The Ground Floor Level will contain deep soil landscaped areas, additional landscaping is spread across the site including the First and Seventh Floor planters.

A floor-by-floor description is provided on the following pages. Further details of the proposed development are contained in the architectural drawings submitted separately.

### Basement 3 Floor Level

Basement L3 is at RL 67.800 AHD and is the residential parking level (see **Figure E1**). This floor level comprises 26 parking spaces, including two accessible spaces; and four cage storage rooms. Vehicular access to this level is available via the ramp from Basement L2 and pedestrian access is available via the fire stairs and two lifts to upper levels. Four areas for cage storage are provided.

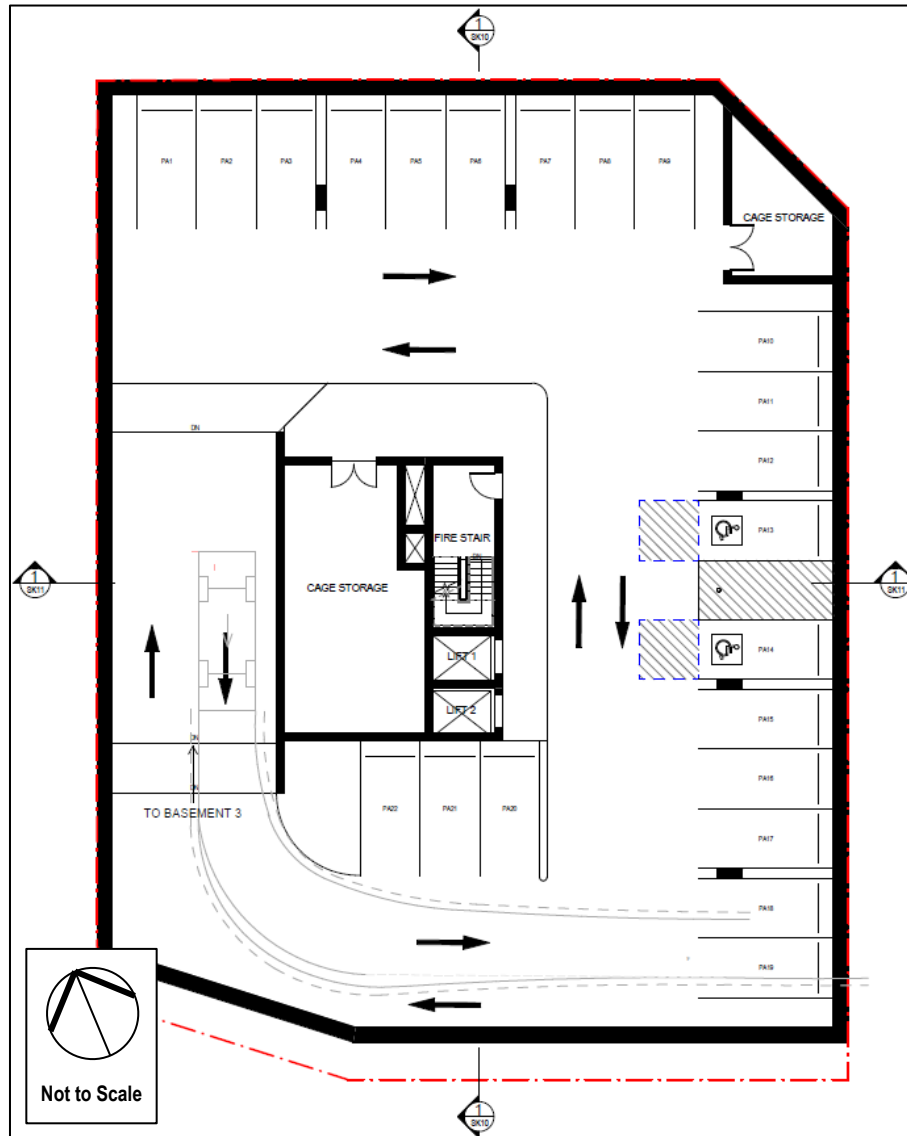


Source: Gray Puksand Architects

**Figure E1: Basement L3 Floor Plan**

### Basement 2 Floor Level

Basement L2 is at RL 70.800 AHD and is the residential parking level (see **Figure E2**). This floor level comprises 22 parking spaces, including two accessible spaces; and two cage storage rooms. Vehicular access to this level is available via the ramp from Basement L1 and pedestrian access is available via the fire stairs and two lifts.

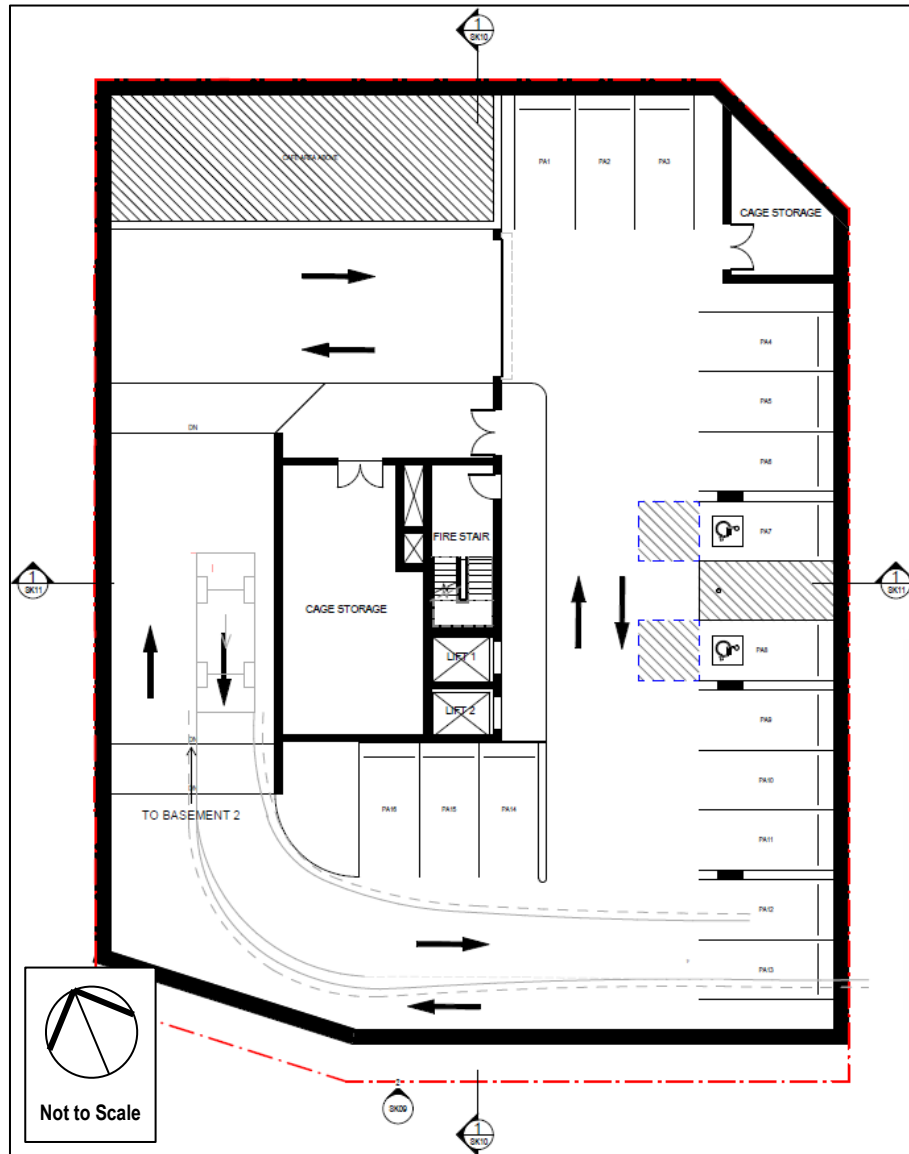


Source: Gray Pukсанд Architects

**Figure E2: Basement L2 Floor Plan**

**Basement 1 Floor Level**

The Basement L1 is at RL 73.800 AHD and is the residential parking level (see **Figure E3**). This floor level comprises 1 parking spaces; and two cage storage rooms. Vehicular access to this level is available via the entry ramp from the Lower Ground Floor Level and pedestrian access is available via the fire stairs and two lifts.

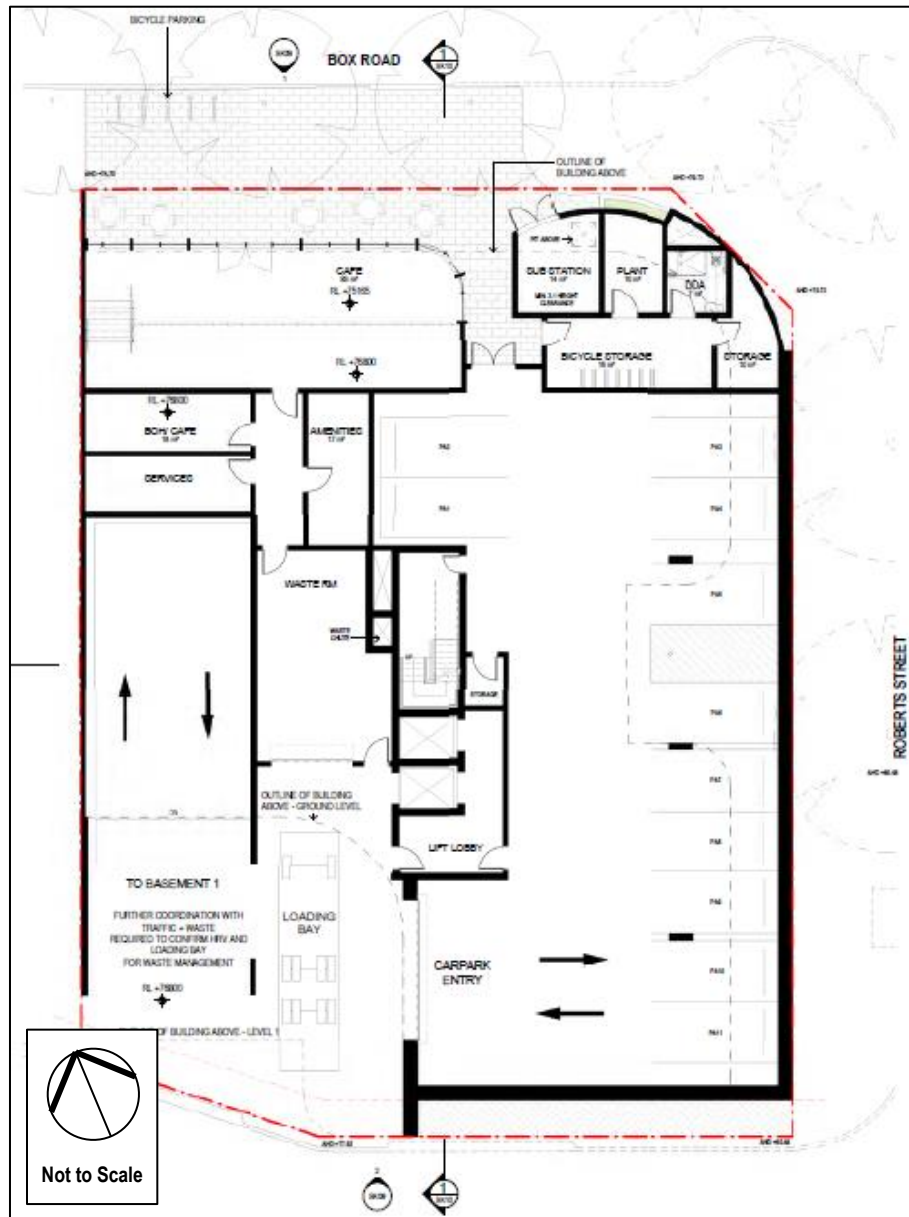


Source: Gray Puksand Architects

**Figure E3: Basement L1 Floor Plan**

**Lower Ground Floor Level**

The Lower Ground Floor is at RL 76.800 AHD is the vehicular entry level, and RL 75.105AHD at café level (see **Figure E4**). This floor level comprises 11 retail/business parking spaces; externally accessed bicycle storage and end of trip facilities; internal sub-station; plant room; storage; loading bay; storage room; waste room; services room; amenities room; lift lobby; and back of house areas for the café/retail space. Bicycle racks could be installed on Box Road's footpath area. Vehicular access to this level is available from Leopold Lane and pedestrian access is available from Box Road. Internally, the fire stairs and two lifts provide access to upper and lower levels.



Source: Gray Puksand Architects

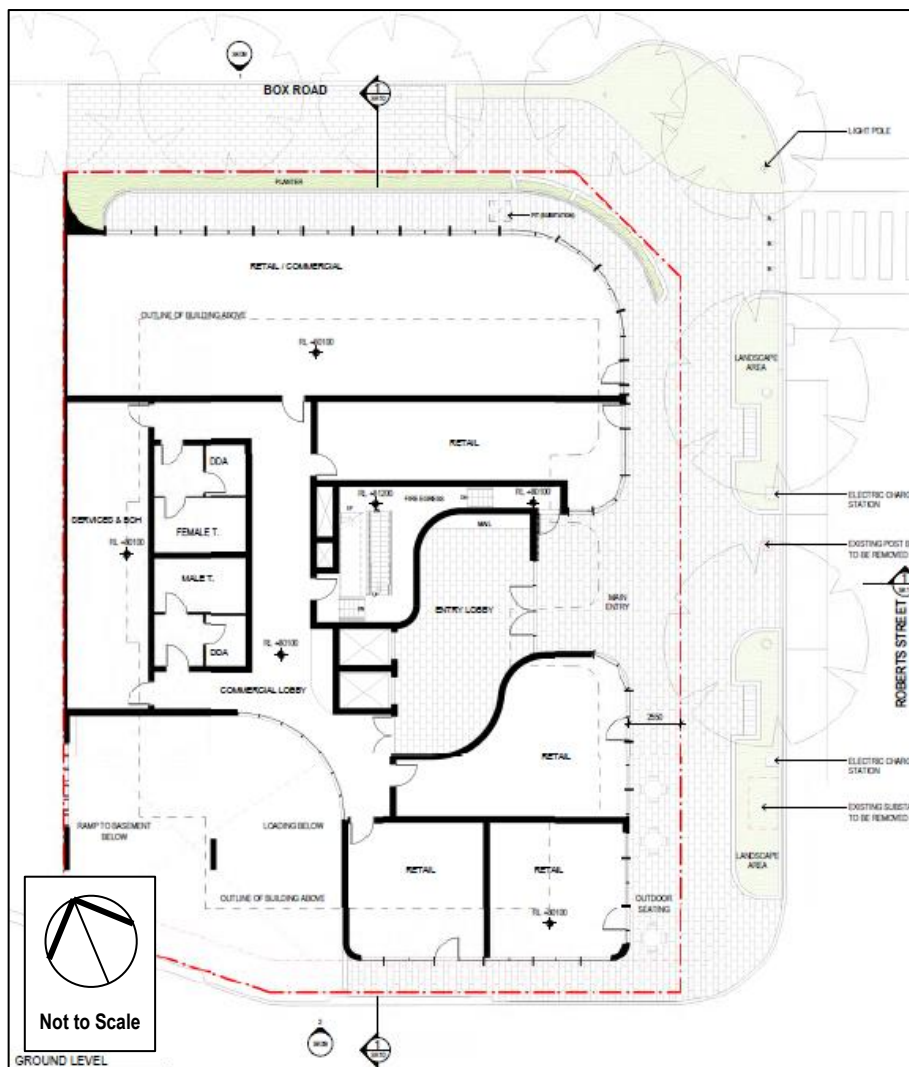
**Figure E4: Lower Ground Floor Level**

**Ground Floor Level**

The Ground Floor Level is at RL 80.100 AHD and has the main pedestrian entrance to the site from Roberts Street, and five retail/business tenancy of varying sizes (see **Figure E5**) with frontages to Box Road, Roberts Street and Leopold Lane. Pedestrian access is available from an elevated walkway on the northern side; and the footpath, providing access to the Lower Ground Floor retail and building parking entrance in Box Road.

From the building's entry lobby, two lifts and the stairs provide residents' access to the upper and lower levels. This Level also has toilets, and services and back of house areas for retail/business tenants.

Potential contribution to streetscape refurbishment and public benefits include electric vehicle charging points and removal of an existing substation (to be within the building at lower ground floor level), planter beds incorporating existing street trees, and outdoor seating, from the corner of Box Road to Leopold Lane. This would link with work done by Council to the landscape the retail areas of Box Road.



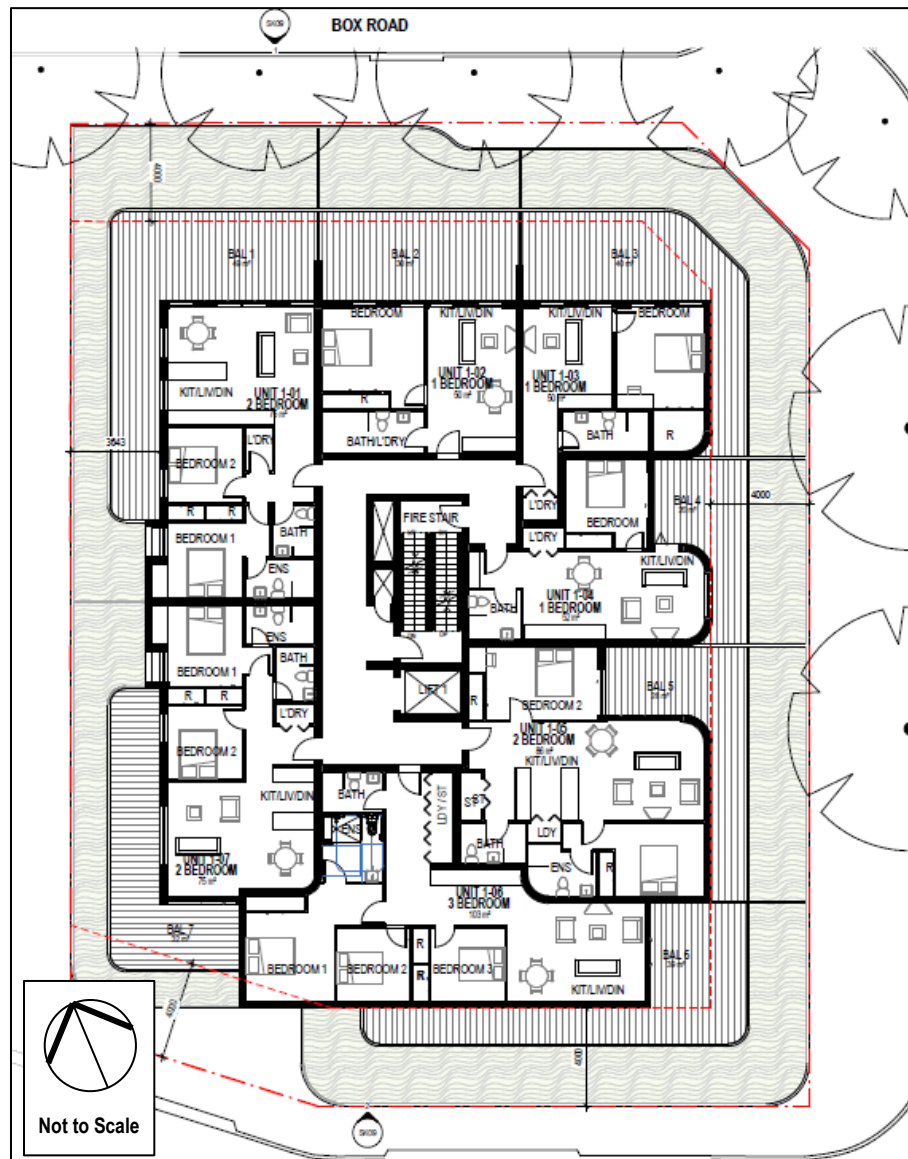
Source: Gray Puksand Architects

**Figure E5: Ground Floor Level**

### First Floor Level

The First Floor Level is at RL 84.300 AHD and has seven units, including three one-bedroom units; three two-bedroom units; and one three-bedroom unit (see **Figure E6**).

Preliminary unit layouts have been prepared as part of the indicative proposal. Each unit has a balcony terrace with a planter garden, directly accessible from the kitchen/living/dining room space. The one-bedroom units have open kitchen/living/dining room; and bathroom/laundry. The two-bedroom and three-bedroom units comprise a master bedroom with ensuite; laundry; bathroom; open kitchen/living/dining and one or two bedrooms. Upper and lower levels are accessed by a lift and 'scissor' fire stairs. Common areas include a garbage chute to the lower ground floor garbage room.



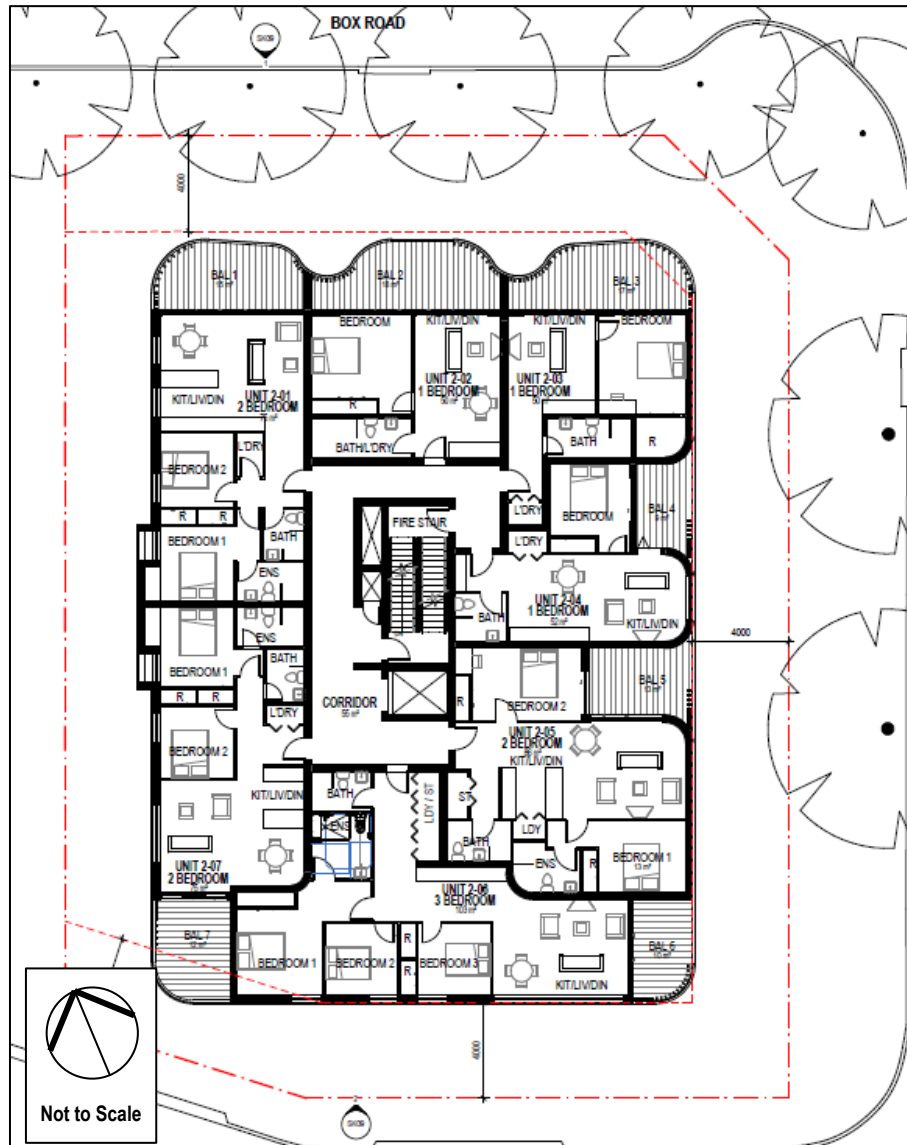
Source: Gray Puksand Architects

**Figure E6: First Floor Level**

### Second Floor – Sixth Floor (Typical)

The Second – Sixth Floor from RL 87.400 AHD to RL 99.80 AHD have the same layouts: each level having seven dwellings, including three three-bedrooms units; three two-bedrooms units; one three-bedrooms (see **Figure E7**).

Each unit has a balcony directly accessible from the kitchen/living/dining room space. The one-bedroom units also comprise open kitchen/living/dining room; and bathroom/laundry. The two-bedroom and three-bedroom units comprise a master bedroom with ensuite; laundry; bathroom; open kitchen/living/dining and one or two bedrooms. The upper and lower levels are accessed by a lift and 'scissor' fire stairs. Common areas include a garbage chute to the lower ground floor garbage room.



Source: Gray Puksand Architects

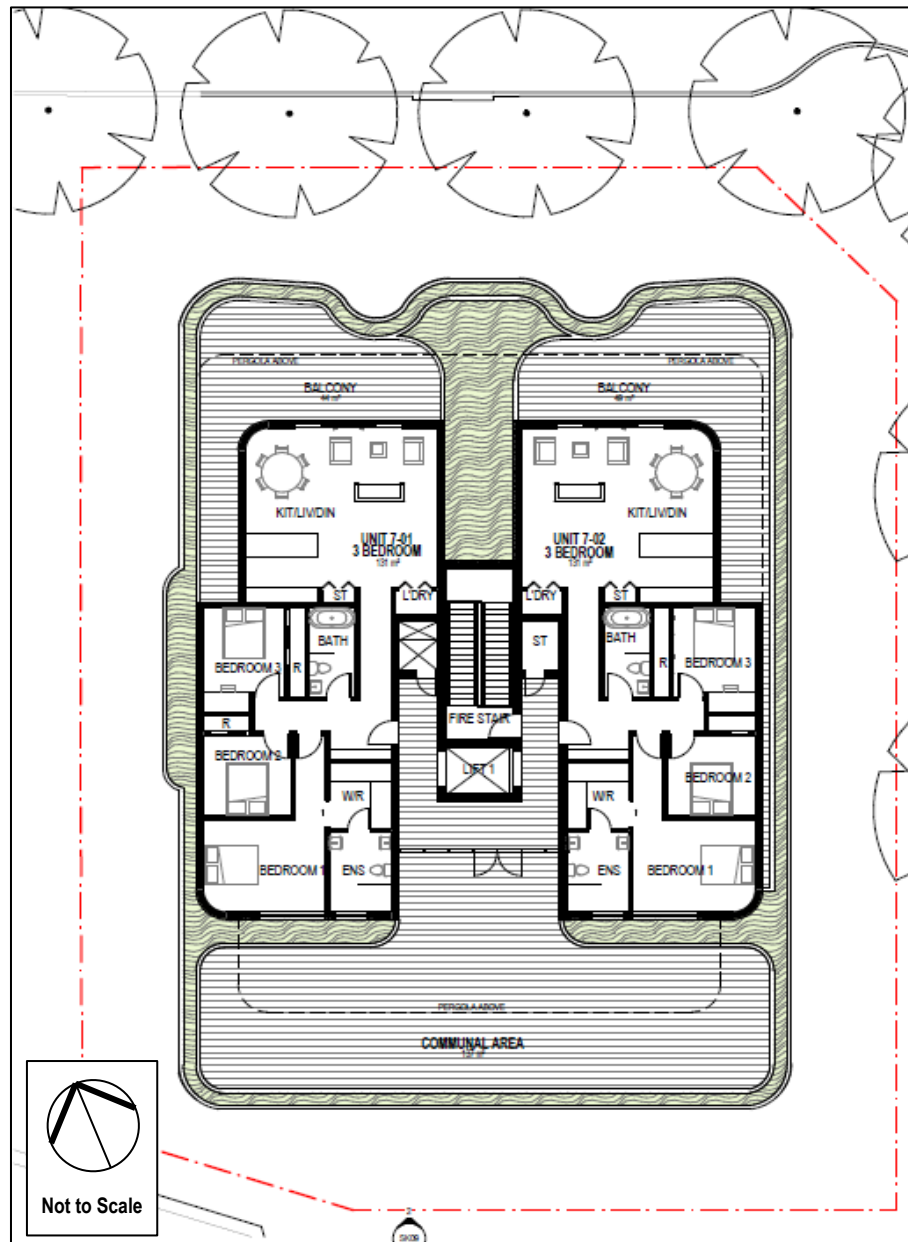
**Figure E7: Second – Sixth Floor Level**



### Seventh Floor – Penthouse and Roof Top Open Space

The Seventh Floor Level is at RL 102.9 AHD and has two three-bedroom units and a common open space area for all residents, accessed via lifts and stairs (see **Figure E8**). The communal open space area has a landscaped perimeter and a pergola for partial weather protection.

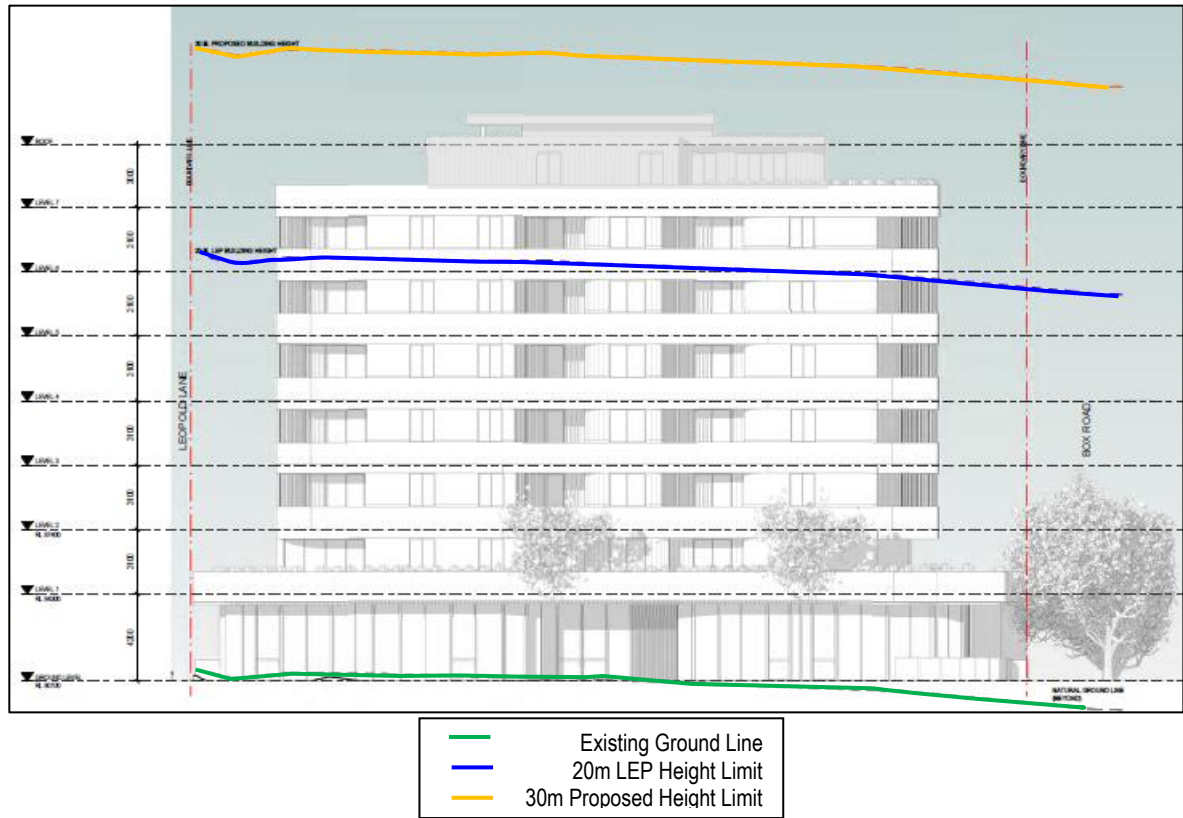
Each unit has a front balcony with a perimeter planter, directly accessed from an open kitchen/living/dining room. Each unit also has master bedroom with an ensuite and walk-in-robe; two bedrooms; bathroom; storage; and laundry. The lower levels are accessed by a lift and stairs. Common areas include a garbage chute to the lower ground floor garbage room.



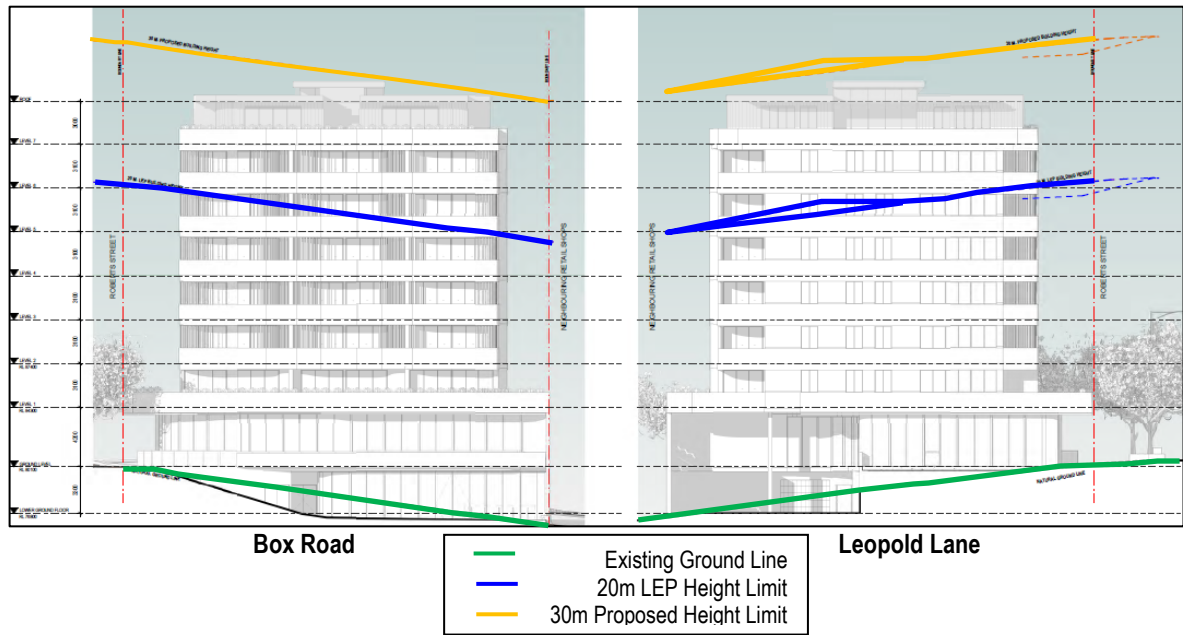
Source: Gray Puksand Architects

**Figure E8: Second – Sixth Floor Level**

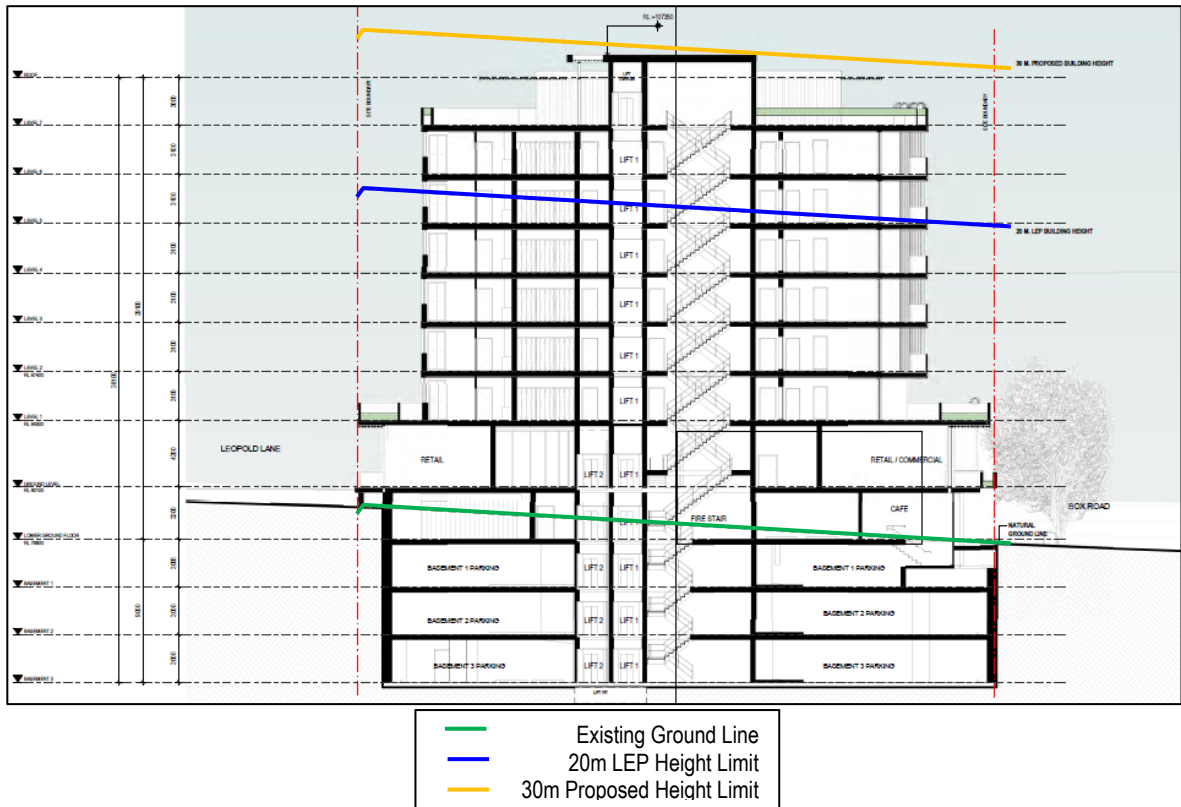
Elevations and Sections



Source: Gray Puksand Architects  
**Figure E9: Elevation along Roberts Street**



Source: Gray Puksand Architects  
**Figure E10: Elevations along Box Road and Leopold Lane**



Source: Gray Puksand Architects

Figure E11: Long Section along Roberts Street



Source: Gray Puksand Architects

Figure E12: Long Section along Leopold Lane

**ANNEXURE F:** The Concept Proposal assessed against Sutherland Shire DCP 2015  
(Chapter 16)

## Sutherland Shire DCP 2015

A future application would be required to consider the objectives and controls of the Sutherland Shire DCP 2015, specifically B2 [now E1] Local Centre Jannali DCP 2015 Chapter 16. Our response to the objectives is as follows:

**Objective:** *Ensure sites are of sufficient size to accommodate well designed development.*

**Response:** Amalgamation of the two existing sites will enable a range of apartments and retail spaces. The existing retail component will be enlarged with the additional second storey over Nos. 548-550 Box Road, and the expansion of retail space along the eastern elevation of Nos 544-546 Box Road.

The amalgamated sites allow a residential component to have a range of 1-bedroom to 3-bedroom apartments and will be of sufficient size for a variety of income earners and associated affordability.

**Objective:** *Have regard to the future development of adjacent land.*

**Response:** The development would not limit future growth of the area being a corner block; includes consideration of the widening of Leopold Lane; and therefore, adequately considers the future development of adjacent land.

**Objective:** *Achieve quality architecture in new development through appropriate composition and articulation of building elements, textures, materials and colours that respond to the building's use and locality.*

**Response:** Revised building heights and FSR for the subject site will facilitate a new, well-designed contemporary shop top housing building on the site, as demonstrated by the Concept Proposal.

**Objective:** *Achieve development that is of an appropriate scale and context for the street and locality and which makes a positive contribution to the streetscape and amenity of the centre.*

**Response:** We understand redevelopment of the subject site to the height and FSR proposed in this Planning Proposal will not obstruct any significant views. The subject site will also add valuable additional accommodation to the area in an economic zone. The Concept Proposal demonstrates potential enhancing the retail and business services, which will positively contribute to the local centre's amenity.

**Objective:** *Ensure sufficient solar access for occupants of adjacent residential buildings, and to public open space and adjoining development.*

**Response:** The proposal allows for compliant solar access to nearby residential properties (see **Section 4.3.1**).

**Objective:** *Create opportunities for incidental open spaces/public domain.*

**Response:** On this site, opportunities for open spaces are limited, however, the improved interface with Box Road, the enhanced retail streetscape to Roberts Street and the opportunity for street furniture, bicycle parking and planting, as shown in the Concept Proposal would improve the public domain.

**Objective:** *Create entrances which provide a desirable and safe identity for the development and which assist in visitor orientation and minimise potential conflicts between pedestrians and vehicles.*

**Response:** The Concept Proposal demonstrates the amalgamated sites with the height and FSR sought, could provide a built form that would form a desirable gateway to Jannali's Town Centre, when approaching from the east.

The Concept Proposal continues to utilise the rear lane, Leopold Lane for vehicle movements, which minimise potential conflicts between pedestrians and vehicles. The shared on-site parking which will be made easier to access as it is being constructed in consideration of the fact that Sutherland Shire Council has considered widening Leopold Lane by 1.5m to improve access with forecasted increases of traffic.

**Objective:** *Enhance the existing street tree canopy.*

**Response:** Existing street trees would be unaffected by the Proposal, with more landscaping possible at the podium level, and at street level.

**Objective:** *Improve the visual amenity of the public domain.*

**Response:** The enhanced streetscape by continuing retail/business premises along all three frontages, and opportunities to improve plantings and introduce street furniture on Roberts Street will improve the visual amenity of the public domain.

The subject site will provide generous car parking for both businesses and the future residents; and a loading dock for deliveries. These would reduce the need to park on the street, decreasing the crowded the sensation on Box Road, positively contributing to the comfort and visual amenity of the public domain.

A future development application could include bicycle parking and end of trip facilities within the building, an inbuilt substation (to minimise disruption of footpath areas); external bicycle racks supplied and installed in footpath areas (to Council's specifications) and electric vehicle charging points on Roberts Street (to Council's specifications).

Additionally, as the subject site is being developed in consideration to the widening of Leopold Lane, therefore, business traffic will be more easily managed in the area, which will further positively contribute to the visual amenity of the public domain.

To ensure the potential shop top housing building development proposed can be achieved on the site, a future proposal would be required to comply with the DCP controls. These would relate to items such as, inter alia:

- Development being designed and site to address the streets and have a clearly identifiable entry.
- Articulation of the façade to avoid large expanses of unbroken wall and to visually reduce building bulk;
- The podium level to reduce scale at street level;
- Vehicular access from the rear lane;
- A mix of materials with highly reflective materials limited;
- Maintenance of solar access;
- Measures to retain views across the site;
- Minimal parking requirements given the proximity to public transport;
- Privacy measures to protect amenity of nearby developments;

In our opinion, the Planning Proposal demonstrates a future development application could achieve compliance with the major development controls, and provide public benefits, as outlined within this report.