
ORDINARY COUNCIL

ORD01

SUBJECT: PROPOSED TURNER ROAD DEVELOPMENT CONTROL PLAN AMENDMENT - PART B ENTERTAINMENT PRECINCT

FROM: Director Planning and Environment

TRIM #: 19/90349

PREVIOUS ITEMS: ORD02 - Proposed Amendments to Turner Road DCP - Part B Entertainment Precinct and Gledswood Hills VPA - Ordinary Council - 22 Aug 2017 6.00pm
ORD07 - Post Exhibition Report - Turner Road DCP Part B Amendment - The Entertainment Precinct - Ordinary Council - 28 Nov 2017 6.00pm

PROPERTY ADDRESS:	Entertainment Precinct - 91 & D & E The Hermitage Way Gledswood Hills, 1 – 9 Providence Drive Gledswood Hills (Lot 289 DP 1230815, Lot 3 DP 1215911, Lot 5 DP 1227491, Lot 6 DP 1227491)
PROPONENT:	N/A
OWNERS:	SH Camden Valley Pty Ltd & Western Suburbs Leagues Club

PURPOSE OF REPORT

The purpose of this report is for Council to consider an amendment to the Turner Road DCP – Part B Entertainment Precinct (draft DCP) and to seek Council's endorsement to publicly exhibit the proposed DCP amendment.

The draft DCP is provided as an **attachment** to this report.

BACKGROUND

The Turner Road Precinct is located on the eastern side of Camden Valley Way. The precinct is bound by Gledswood Hills, Catherine Fields, Smeaton Grange and the Campbelltown LGA.

The Turner Road Precinct has three retail and employment centres. These include the Gregory Hills Neighbourhood Centre, the Entertainment Precinct and the Employment Area.

Figure 1 shows the location of the centres within the Turner Road Precinct.

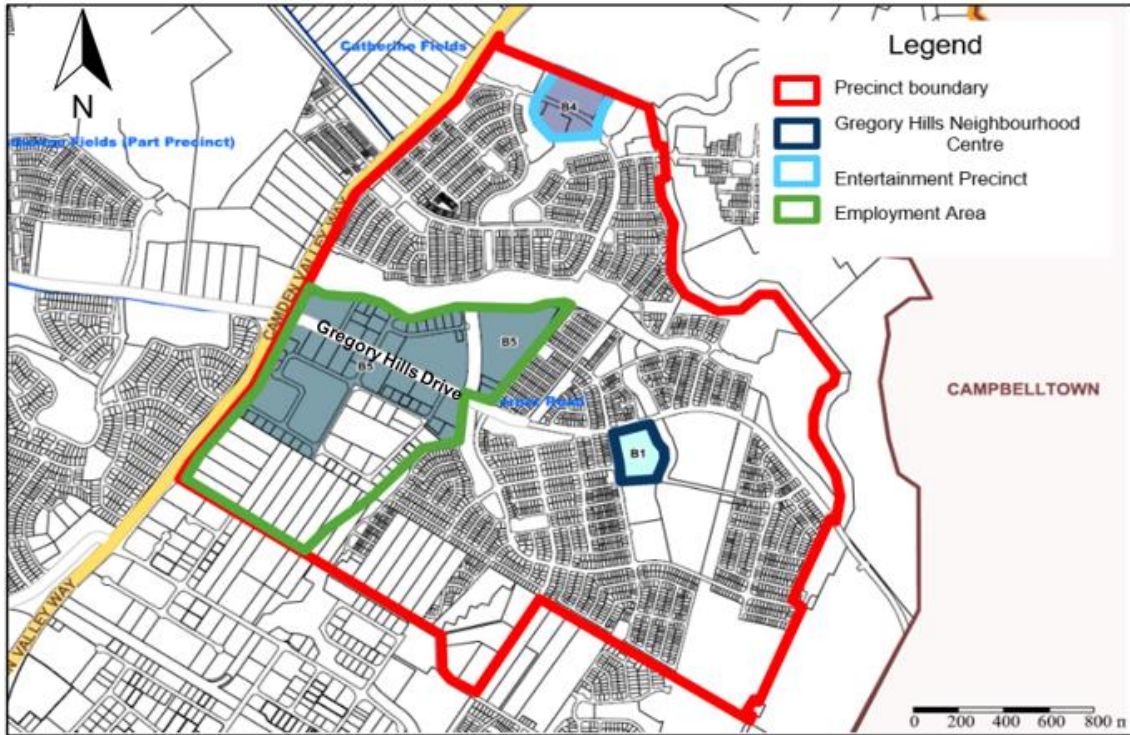


Figure 1: Locations of the Precinct and the Centres

Existing Shop Caps

There are currently controls within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) and/or the Turner Road DCP that limit the amount of retail floorspace within each of the centres. These controls were included in these planning instruments to support the economic viability and retail hierarchy of the centres.

Table 1 provides details of the current shop cap controls.

Turner Precinct	Road	Zoning	Max. total shop area (m ²)	Max. individual shop area (m ²)
Gregory Hills (the Neighbourhood Centre)		B1 - Neighbourhood Centre	15,000 (DCP)	Nil
Employment Area		B5 - Business Development	2,500 (DCP & SEPP)	500 (DCP & SEPP)
Entertainment Precinct		B4 - Mixed Use	3,500 (DCP)	500 (DCP)

Table 1: Current shop cap controls within Turner Road Precinct

Entertainment Precinct

Within the Entertainment Precinct, the DCP limits the maximum shop area of any individual retail shop to 500m² and limits the maximum total shop area to 3,500m².

The developer has previously proposed to increase the 500m² individual shop cap control to allow an anchor tenant, such as a small supermarket, to support the viability of the centre.

At its meeting on 28 November 2017, Council resolved to retain the existing 500m² shop cap to allow a review of retail caps within the Turner Road Precinct. A copy of the previous Council report is provided as an **attachment** to this report.

A Councillor briefing was provided on 16 April 2019 in relation to this matter.

MAIN REPORT

Proposed Amendments to the Part B DCP Entertainment Precinct

The proposed amendment to the Turner Road DCP seeks to remove the individual shop cap of 500m² applying to the Entertainment Precinct. There is no change proposed to the overall shop cap of 3,500m².

The removal of the individual 500m² shop cap will enable the developer to secure an anchor retail tenant (such as a supermarket) within the Entertainment Precinct.

Controls that cap the amount of retail floor space are provided to support the viability and hierarchy of commercial centres. However, since these controls were included in the DCP in 2007, the area has undergone significant growth. The number of dwellings planned within the Entertainment Precinct has increased and the population growth in the area has increased the demand for local convenience retail services.

In considering this amendment, Council engaged a consultant to review the retail cap controls in the Turner Road precinct. The review considered various scenarios to assess the impact of changing the retail shop caps.

The review found there is a demand for retail floorspace in the precinct and removing the shop cap in the Entertainment Precinct will not adversely impact other centres.

Based on the above, it is recommended that the proposed DCP amendment to remove the 500m² individual shop cap within the Entertainment Precinct be placed on public exhibition. It is not proposed to amend the total shop cap control of 3,500m².

Turner Road Shop Caps Review

Council is also aware of the difficulties in enforcing shop cap controls due to the application of complying development through the State Government's State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Council officers are continuing to work with the Department of Planning and Environment (DPE) to explore options to amend the Growth Centres SEPP and/or the Codes SEPP to address these issues. Council will be updated as this work progresses.

Next Steps

Subject to Council endorsement, the DCP amendment will be placed on public exhibition. If there are unresolved submissions, a further report to Council will be prepared.

FINANCIAL IMPLICATIONS

There are no direct financial implications to Council as the result of this report.

CONCLUSION

The proposed DCP amendment seeks to remove the 500m² individual shop cap control from the Entertainment Precinct. A review of the likely impact has found that the proposed amendment will not adversely impact other centres.

It is noted that the review into retail shop caps in the Turner Road Precinct and the difficulties of enforcement has broader implications. Council officers are working with the DPE to consider options to amend the Growth Centres and/or Codes SEPPs.

RECOMMENDED

That Council:

- i. endorse the draft part B DCP and proceed to exhibition for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*;**
- ii. forward the draft Part B DCP to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment;**
- iii. if no unresolved submissions are received:**
 - a. grant delegation to the General Manager to adopt the proposed changes to the Turner Road DCP 2007 in accordance with the amended delegations issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment; and**
 - b. publicly notify the adoption of the DCP in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*; or**
- iv. if unresolved submissions are received, receive a further report outlining the outcomes of the public exhibition for Council's consideration.**

ATTACHMENTS

1. Proposed Part B Turner Rd DCP Amendments
2. Post Exhibition Report - Turner Road DCP Part B Amendment - The Entertainment Precinct - 28 November 2017

**ORD01 PROPOSED TURNER ROAD DEVELOPMENT CONTROL PLAN
AMENDMENT - PART B ENTERTAINMENT PRECINCT**

AMENDMENT

Resolution: Moved Councillor Symkowiak, Seconded Councillor C Cagney that Council:

- i. endorse the draft Part B DCP and proceed to exhibition for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*;
- ii. forward the draft Part B DCP to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment;
- iii. if no unresolved submissions are received:
 - a. grant delegation to the General Manager to adopt the proposed changes to the Turner Road DCP 2007 in accordance with the amended delegations issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment;
 - b. publicly notify the adoption of the DCP in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*; and
 - c. provide a report to Council, for information purposes only, to note the content of any resolved submissions received and the process taken to resolve them.
- iv. if unresolved submissions are received, receive a further report outlining the outcomes of the public exhibition for Council's consideration.

ORD1/19 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)