

Planning Proposal - Section 55 of the Environmental Planning and Assessment Act, 1979

LOCAL GOVERNMENT AREA

Sutherland Shire Council

NAME OF PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2006 (Draft Amendment No 14)

ADDRESS OF LAND

The plan applies to 10 Boomerang Avenue, Lilli Pilli (Lot 1 DP 963203)

MAP

Attached is a map showing the location of property affected by this plan.

DETAILS OF THE PLANNING PROPOSAL

1. A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]

The purpose of this Planning Proposal is to enable the rezoning of land at 10 Boomerang Avenue, Lilli Pilli (Lot 1 DP 963203)

- from 6(a) Public Recreation under Sutherland Shire Local Environmental Plan 2000 to Zone 1 – Environmental Housing (Environmentally Sensitive Land), and
- from 6(a) Public Recreation under Sutherland Shire Local Environmental Plan 2000 to Zone 13 – Public Open Space, and

under Sutherland Shire Local Environmental Plan 2006. This rezoning is to be incorporated into the next amendment to Sutherland Shire Local Environmental Plan 2006 or as part of the Standard Instrument LEP, whichever comes first.

As this land is not currently covered by SSLEP2006 it is also proposed to amend the SSLEP2006 map series to include this land. This includes: the Flood Planning Area Map, the Acid Sulfate Soils Map, the Wetlands Map, and the Heritage Items Map.

Council will also acquire a portion (370.8 sq meters) of Lot 1 DP 963203 from the owners as an addition to the local open space situated at 12 Boomerang Avenue (Lot 6 DP218458). This will allow local residents to gain direct access to the water and enjoy a small area of beach. It would also protect remnant bushland and natural rock outcrops and help maintain the scenic quality. Following this acquisition, an amendment is to be made to the Works Program of 2005 Shire Wide Open Space Plan and Recreation Facilities Plan to remove 10 Boomerang Avenue from the acquisition list.

The residual 370.3sqm is to remain in the ownership of the current landowners and is to be amalgamated with their existing residential property (Lot 5 DP 218458). The rezoned land will allow for the current land owners to retain a wide access and direct access to the waterfront.

2. An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]

Amendment to Sutherland Shire Local Environmental Plan 2006 to rezone land at 10 Boomerang Avenue, Lilli Pilli (Lot 1 DP 963203) from 6(a) Public Recreation under Sutherland Shire Local Environmental Plan 2000 to Zone 1 – Environmental Housing (Environmentally Sensitive Land) and Zone 13 – Public Open Space, as identified on the attached map. This will involve all associated SSLEP 2006 maps including Heritage Items, Potential Flood Liable Land, Acid Sulfate Soils and Wetlands being updated to include Lot 1 DP 963203.

3. Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]

A Need for planning proposal

1. Is the planning proposal the result of any strategic study or report?

The Planning Proposal is a result of Council's consideration of a report from the Environment and Planning Committee on 19 July 2010 (EAP194-10).

The report recommended that the rezoning of part of Lot 1 DP 963203 from 6(a) Public Recreation under Sutherland Shire Local Environmental Plan 2000 to Zone 1 – Environmental Housing (Environmentally Sensitive Land) and to Zone 13 – Public Open Space, be incorporated into the next amendment to Sutherland Shire Local Environmental Plan 2006 or as part of the Standard Instrument LEP, whichever comes first. Also, following the acquisition of part of Lot 1 DP 963203 by Council for open space purposes, an amendment be made to the Works Program of 2005 Shire Wide Open Space Plan and Recreation Facilities Plan to remove 10 Boomerang Avenue from the acquisition list. This report found that there are no significant planning issues arising from the rezoning or acquisition of the land.

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

The Planning Proposal is the only means of achieving the objectives and intended outcomes of rezoning and acquiring part of 10 Boomerang Avenue, Lilli Pilli (Lot 1 DP 963203) to improve the adjoining open space, whilst maintaining direct waterfront access for the current land owners.

3. Is there a net community benefit?

Whilst the entire lot is not be acquired (as per the current zoning under SSLEP2000), the partial acquisition will protect remnant bushland and natural rock outcrops and help maintain the scenic quality of Gannons Bay. The community benefit of the rezoning and acquisition of part of this site for inclusion in the existing open space will allow residents to gain direct access to the water and enjoy a small area of beach.

B Relationship to strategic planning framework

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The rezoning is minor and is of little strategic importance. The planning proposal does not contravene the objectives or actions of the Metropolitan Plan 2010 or the South Subregion Draft Subregional Strategy 2005.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is minor in nature and is in alignment with the strategic directions in Council's community plan, *Our Shire Our Future: Our Guide for Shaping the Shire to 2030*.

Council's current open space acquisitions policy is focused on creating large areas for public recreation and use. Through the rezoning and acquisition of part of this site, the community will enjoy a larger area of open space and direct access to the waterfront.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

The planning proposal is minor in nature and does not contravene any State Environmental Planning Policies. The planning proposal is consistent with SEPP 55 - Remediation of Land.

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The planning proposal is minor in nature and does not contravene any Ministerial Directions.

C Environmental, social and economic impact.

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

The acquisition of this portion of waterfront land by Council will provide an additional 370.8sqm of public recreation area along the Gannons Bay waterfront. The existing open space reserve is currently utilised by local residents for recreational access to the waterfront and an extension to this area will provide greater accessibility to the water for residents who do not enjoy direct waterfront access from their properties.

By purchasing this portion of land, Council will be enhancing the existing bushland reserve, which is located within the greenweb corridor. Bushcare Groups frequently undertake bushland regeneration work on the adjoining Council owned open space. The land contains mature bushland and rocky outcrops and the protection of this area will maintain the bushland character of the locality into the future.

The residual portion of land is to remain in private ownership and is to be amalgamated with the adjoining residential lot at 10 Boomerang Avenue. It is proposed that this portion be zoned to Zone 1 – Environmental Housing (Environmentally Sensitive Land) to reflect the environmental and residential nature of the land.

Currently, the land is located wholly below the 30m foreshore building line (FBL). The rezoning of this land to Zone 1 does not guarantee the approval of any waterfront or development structures below the FBL or MHW. The existence of significant vegetation, rock outcrops and shallow water depth are all constraints to potential future waterfront development or watercraft facilities. The appropriate development application process must be followed for any future development with any proposal being assessed on its merits and under the planning framework that is in place at the time any development application is determined.

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

No other likely environment effects are envisaged as a result of the planning proposal. The environmental impact of any future development on the residual portion of the lot will be assessed and managed at the development assessment stage.

3. How has the planning proposal adequately addressed any social and economic effects?

Due to the minor nature of the planning proposal social and economic effects will be minimal. Social benefits from this lot will be realised once the site is rezoned and acquired through the upgrade of the reserve, providing a safe area for the community to utilise the aquatic reserve. The adjoining waterway area is of high aquatic diversity; however the site is significantly disturbed due to current use of the reserve by divers. Any Aboriginal heritage such as the Midden would be considered further, at the development assessment stage.

Rezoning this site will introduce an acquisition liability for Council; however the owner has agreed to sell to council prompting the need for rezoning. Council has entered into a Contract for acquisition with the owner.

Council has consistently identified this land (Lot 1 DP 963203) for open space purposes, and has specifically identified the land in the 2005 Shire Wide Open Space and Recreation Facilities Plan to be acquired using Section 94 funds.

Although Council is identified as the relevant acquisition authority, this can only take place when the landowners nominate to sell the land to Council due to Council's policy of non compulsory acquisition. Now that Council has reached an agreement with the landowners to purchase the land, funds will be used from Council's Section 94 Contribution Plan.

The rezoning of this land will not have any adverse economic impacts on Council, as the funds to purchase the land have been expressly set aside as part of the Section 94 Works Program. However, there will be a cost saving in terms of expenditure from the fund because the area of land is now reduced.

The purchase and rezoning of this land will result in an extension to the existing public recreation area which adjoins Gannons Bay, providing additional open space for the enjoyment of all local residents.

D State and Commonwealth interests.

1. Is there adequate public infrastructure for the planning proposal?

The planning proposal is minor in nature and will not cause any impact on public infrastructure.

2. What are the views of the State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

N/A at this stage.

4. Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]

Council proposes that the planning proposal be exhibited in accordance with any requirements as determined by the gateway process and the requirements of Section 29 of the Local Government Act, 1993 and Section 57 the Environmental Planning and Assessment Act, 1979.

Council proposes to give notice of the public exhibition of the planning proposal:

- In the local newspaper, The St George and Sutherland Shire Leader;
- On Council's website;
- In writing to relevant adjoining landowners who may be affected by the proposal.