

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. 17)

ADDRESS OF LAND

The plan applies to the following three properties:

- 349 Willarong Road, Caringbah South (Lot 1 DP 1169978);
- 66-74 Karimbla Road, Miranda (part of Lot 2 DP 570622); and
- Part Kiora Lane, Miranda.

MAPS

Maps showing the location of each property affected by this plan are attached as below:

1. 349 Willarong Road, Caringbah South
2. 66-74 Karimbla Road, Miranda
3. Kiora Lane, Miranda

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 objective of the proposal is to rezone:

- part of 349 Willarong Road (Part Lot 1 DP 1169978) from SSLEP 2006 Zone 16 – Environmental Protection (Waterways) to Zone 2 – Environmental Housing (Scenic Quality). This is intended to place the boundary between the land and water zones in accordance with the true and registered Mean High Water Mark on the subject property following a recent Plan of Redefinition. This action will continue the current method adopted by Council in the designation of waterfront zone boundaries,
- part of 66-74 Karimbla Road, Miranda (Part Lot 2 DP 570622) from SSLEP2006 Zone 13 Public Open Space to Zone 4 – Local Housing. The intended outcome is to allow a small, narrow, unused and unmaintained section of council owned land, formerly used as an access handle to Centenary Park and with a history of anti-social behaviour occurring in and around it, to be purchased by an adjoining landowner and incorporated into the existing residential land use pattern.
- part of Kiora Lane, Miranda from SSLEP2006 Zone 23 – Road to Zone 8 – Urban Centre. The intended outcome is to allow for the sale of this surplus land to Westfield to facilitate redevelopment and achieve a well designed outcome.

The proposal also seeks to reclassify 66-74 Karimbla Road, Miranda from 'community' to 'operational' land to facilitate its sale. There will be an interest change of a removal of a Caveat 7309406, insofar as the portion of Lot 2 DP570622 that council proposes to sell to the adjoining property owner.

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

Amendments to map series Sutherland Shire Local Environmental Plan 2006

Zoning to rezone land as identified in the attached maps at:

- 349 Willarong Road, Caringbah South (Part Lot 1 DP 1169978) from Zone 16 – Environmental Protection (Waterways) to Zone 2 – Environmental Housing (Scenic Quality),
- 66-74 Karimbla Road, Miranda (Part Lot 2 DP 570622) from Zone 13 Public Open Space to Zone 4 – Local Housing,
- part Kiora Lane, Miranda from Zone 23 – Road to Zone 8 – Urban Centre.

Amendment to Schedule 4 Classification and reclassification of public land, Part 2 Land classified, or reclassified, as operational land – interest changed to include the following property:

- Part 66-74 Karimbla Road, Miranda (Part Lot 2 DP 570622).

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 rezoning applications which constitute this Planning Proposal have not been initiated as a result of any strategic study. They are, however, consistent with strategic policies or outcomes identified in Council reports.

As regards 349 Willarong Road proposal, the objectives are consistent with SDC017-12, namely, that naturally occurring land should have a land based zone, and where rezoning occurs on land/water interface properties because of redefinition, there should be no resulting loss of development potential.

Regarding the proposed rezoning of 114m² of Centenary Park 66-74 Karimbla Road, Miranda, Council has determined that there is no useful purpose for Council to retain ownership of this narrow strip of unused land (formerly used as an access corridor), as it attracts public nuisance behaviour (e.g., graffiti) and remains a liability. Council report FIN203-12A includes a resolution to rezone (and reclassify) this land to revert it to private ownership and for residential development.

The proponent of the rezoning of Kiora Lane has submitted plans to the Council for the 42.66m² area, showing how this area is to be integrated into the planned extension of the shopping centre. If the laneway area can be incorporated into the approved extension, there will be enhanced internal connectivity between new retail and entertainment facilities proposed for that part of Westfield Miranda fronting the Kingsway and the existing portion of the shopping centre fronting Kiora Road.

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

It is considered that the proposed spot rezoning of these three properties is the most effective means of achieving the desired outcomes, being:

- the redefinition of the MHWMM at 349 Wilarong Road;
- the sale of land surplus to council's requirements at 66-74 Karimbla Road, Miranda for uses consistent with surrounding land uses; and
- the sale of land surplus to Council's needs at Kiora Lane, Miranda to allow for redevelopment of the adjoining Westfield site.

3. *Is there a net community benefit?*

While the issues contained in the Planning Proposal are minor in nature, the rezoning at Karimbla Road, Miranda presents an opportunity for a net community benefit through the resolution of public safety issues associated with this isolated land adjacent to Centenary Park, Miranda. The proposed rezoning of Kiora Lane will make more efficient use of the land and facilitate enhanced connectivity for shoppers using the expanded retail and entertainment facilities proposed for Westfield Miranda.

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 rezonings are minor and of little strategic importance. The planning proposal does not contravene the objectives or actions within the South Subregion Draft Subregional Strategy.

The Sydney Metropolitan Strategy and the Draft South Subregion Strategy identify the Miranda Town Centre as a "Major Centre" designed to accommodate additional employment and services, including retail and entertainment. The rezoning of Kiora Lane allows for optimisation of pedestrian connectivity by providing additional space to improve mall design between the Kiora Road precinct of Westfield Miranda and the planned shopping centre alterations and additions to the Kingsway frontage. Facilitating a well-designed expansion of Westfield Miranda shopping centre is considered to be consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and the exhibited Draft South Subregion Strategy

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 not contrary to Council's community plan known as *Our Shire Our Future: Our Guide for Shaping the Shire to 2030* or local strategic plan.

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.

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?*

No endangered communities exist on or in vicinity of the site. The planning proposal will not have any adverse impacts on critical habitat, threatened species, populations or ecological communities, or their habitats.

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

There are no likely environmental effects from the planning proposal.

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

Due to the minor nature of the planning proposal, it is unlikely to have significant social or economic effects.

Subsequent to the rezoning of Kiora Lane and development of the subject land, it will be necessary to provide replacement car parking for the Westpac site, as the rear car park of this site will no longer have pedestrian or vehicular access from Kiora Lane. Appropriate conveniently located off-street car parking for the Westpac site will be available in the adjacent basement car park to be constructed as part of the approved alterations and additions to Westfield Miranda.

D State and Commonwealth interests.

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

The planning proposal is minor in nature and unlikely to 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 the stage.

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

A. Is the proposed reclassification the result of any strategic study or report?

1. Part of 66-74 Karimbla Road, Miranda

The proposed reclassification of the subject land from 'community' to 'operational' is not a direct result of any specific strategic study. However, the subject land has been reviewed by Council (FIN203-12), and a Resolution was adopted to consider the reclassification of the subject land as part of the next amendment to SSLEP2006. Given its size, the site is not suitable for alternative community uses. The reclassification of the subject land will allow for the sale of land surplus to council's requirements for uses consistent with surrounding land uses.

B. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

The planning proposal is minor in nature and is not contrary to Council's community plan known as *Our Shire Our Future: Our Guide for Shaping the Shire to 2030* or local strategic plan.

C. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The proposal to reclassify 66-74 Karimbla Road, Miranda from 'community' to 'operational' will result in the removal of Caveat 7309406, insofar as the portion of Lot 2 DP570622 that council proposes to sell to the adjoining property owner.

D. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Sutherland Shire Council is the owner of the subject land and has agreed to consider its reclassification to 'operational' for the purpose of sale.

5. 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 and The Liverpool City Leader);
- on Council's web-site; and

- in writing to property owners within the vicinity of the subject site whom may be affected by this proposal.

In addition, Council is required to conduct a public hearing in relation to the land to be reclassified from 'community' to 'operational' land. Council will give notice of this public hearing in accordance with the relevant provisions of the Local Government Act 1993 and associated regulations.