

Planning proposal to reclassify seven parcels of land from community land to operational land and rezone one parcel.

Proposal Title :	Planning proposal to reclassify seven parcels of land from community land to operational land and rezone one parcel.		
Proposal Summary :	The intention of the planning proposal is to reclassify seven council-owned parcels of land from community to operational and rezone one of them from RE1 Public Recreation to E4 Environmental Living.		
PP Number :	PP_2016_SUTHE_002_00	Dop File No :	16/07368

Proposal Details

Date Planning Proposal Received :	03-Jun-2016	LGA covered :	Sutherland
Region :	Metro(CBD)	RPA :	Sutherland Shire Council
State Electorate :	CRONULLA HEATHCOTE MENAI MIRANDA	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	34R-36R Caravan Head Road		
Suburb :	Oyster Bay	City :	Sydney
Land Parcel :	Lot 219 DP 259657		Postcode : 2225
Street :	2R Alexander Avenue		
Suburb :	Taren Point	City :	Sydney
Land Parcel :	Part Lot 1 DP 234622		Postcode : 2229
Street :	13R Pinnacle Street		
Suburb :	Miranda	City :	Sydney
Land Parcel :	Lot 31 DP 11987		Postcode : 2228
Street :	1 Myuna Place		
Suburb :	Port Hacking	City :	Sydney
Land Parcel :	Lot 10 DP 255123		Postcode : 2229
Street :	2 Myuna Place		
Suburb :	Port Hacking	City :	Sydney
Land Parcel :	Lot 9 DP 255123		Postcode : 2229
Street :	9 Kingsway		
Suburb :	Cronulla	City :	Sydney
Land Parcel :	Lot 1 DP 700935		Postcode : 2230

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Street : **11 Dampier Street**

Suburb : **Kurnell**

City : **Sydney**

Postcode : **2231**

Land Parcel : **Lot 158 DP 7632**

DoP Planning Officer Contact Details

Contact Name : **Helen Wilkins**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Martin Cooper**

Contact Number : **0292286582**

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Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : **0**

No. of Dwellings **0**
(where relevant) :

Gross Floor Area : **0**

No of Jobs Created : **0**

The NSW Government **Yes**

Lobbyists Code of

Conduct has been

complied with :

If No, comment : **The Department's Code of Conduct has been complied with.**

Have there been **No**

meetings or

communications with

registered lobbyists? :

If Yes, comment : **Sydney Region East Section has not knowingly met with or communicated with any lobbyist in relation to this planning proposal.**

Supporting notes

Internal Supporting
Notes :

The planning proposal is seeking to reclassify land at:

1. 34R-36R Caravan Head Road, Oyster Bay (15.1sqm);

2. 13R Pinnacle Street, Miranda (225sqm);

3. Part of 2R Alexander Avenue, Taren Point (75.5sqm of 4964sqm);

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4. 1 and 2 Myuna Place, Port Hacking (220sqm and 94sqm respectively);
5. 9 Kingsway, Cronulla (427.9sqm); and
6. 11 Dampier Street, Kurnell (638.6sqm).

The proposal is also seeking to rezone Part of 2R Alexander Avenue, Taren Point, from RE1 Public Recreation to E4 Environmental Living.

Council does not have an Open Space Strategy and therefore the planning proposal has been assessed on the site specific and strategic merits of each site.

The proposal is supported because:

- it is consistent with the NSW strategic planning framework and Council's strategic plan;
- it assists Council with operational objectives to achieve total asset management through better management of Council-owned land;
- in the case of 9 Kingsway, Cronulla (car park) and 13R Pinnacle Street, Miranda (drainage reserve), achieves better urban planning outcomes by facilitating potential site amalgamation in the Cronulla and Miranda centres; and
- in the case of all other lots, is of minor significance.

External Supporting
Notes :

Council supports this planning proposal because it implements a resolution of Council to promote the orderly and economic use and development of surplus land.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to enable the sale of four lots which have no strategic function (34R-36R Caravan Head Road, Oyster Bay; Part of 2R Alexander Avenue, Taren Point; and 1 and 2 Myuna Place, Port Hacking); achieve better urban planning outcomes by facilitating potential site amalgamation in the Cronulla and Miranda centres (9 Kingsway, Cronulla; and 13R Pinnacle Street, Miranda); and better manage access through Council-owned land (11 Dampier St, Kurnell).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Interests relating to the sites are as follows:**
Part 1 of Schedule 4 (no interest changed)

- 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657);
- 13R Pinnacle Street, Miranda (Lot 31 DP 11987);
- Part of 2R Alexander Avenue, Taren Point (75.5sqm of Lot 1 DP 234622);
- 9 Kingsway, Cronulla (Lot 1 DP 700935); and
- 11 Dampier Street, Kurnell (Lot 158 DP 7632).

Part 2 of Schedule 4 (interests changed)

- 1 Myuna Place, Port Hacking (Lot 10 DP 255123) – interests (2) and (4) to be discharged; and
- 2 Myuna Place, Port Hacking (Lot 9 DP 255123) – interests (2) and (3) to be discharged.

Interests 2 are Rights to Mine; and Interests 3 and 4 are Caveats by the Registrar General forbidding the registration of instruments not authorised under the Local Government Act 1919 relating to public reserves.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

4.1 Acid Sulfate Soils

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

State Environmental Planning Policies (SEPPs):

SEPP No 55. Remediation of Land

The SEPP requires that a planning authority must be satisfied that land proposed to be rezoned is suitable, or can be made suitable, for all the uses permissible in the proposed zone.

The proposal is seeking to reclassify and rezone Part of 2R Alexander Avenue, Taren Point (75.5sqm of Lot 1 DP 234622) from RE1 Public Recreation to E4 Environmental Living. The proposal states that the subject land is partially remediated contaminated land and that, provided no excavation takes place, the proposal poses no significant obstacles to the proposed use of the land. Council has further advised that the subject site is not contaminated land and that contaminated land refers to the adjoining land at 98 Woodlands Road, Taren Point, which the proposal is seeking to facilitate an access way to. 98 Woodlands Road is a declared contamination site as it was formerly an oyster farm and the land was contaminated by creosote and uncontrolled fill. It has since been fully remediated by the complete removal of the fill. The requirements for an initial evaluation under SEPP 55 are therefore considered to have been satisfied.

The planning proposal is consistent with all other SEPPs.

Section 117 Directions:

Direction 4.1 Acid Sulfate Soils.

The Direction requires that a planning authority must be satisfied that a proposed intensification of land uses on land containing acid sulfate soils has assessed the appropriateness of the change of land use given the presence of acid sulfate soils.

The land at Part of 2R Alexander Avenue, Taren Point (75.5sqm of Lot 1 DP 234622) is Class 2 acid sulfate soils and the proposal is seeking to provide access to the adjoining property at 98 Woodlands Road, Taren Point, which is Class 5 acid sulfate soils. The proposal does not include an acid sulfate soils study. However, the Sutherland Shire LEP 2015 contains the Acid Sulfate Soils model clause, under which Class 2 relates to works below the natural ground surface and works by which the water table is likely to be lowered. The proposal is to facilitate an access road, which will not significantly disturb the subsurface. The proposal also states Development Consent has been issued for a residential development and subdivision at 98 Woodlands Road for which the acid

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sulfate soils were considered. Therefore the proposal has sufficiently addressed the Direction to prevent any significant adverse environmental impacts arising from the proposed development of the land. The inconsistency is therefore considered to be of minor significance.

Direction 6.2 Reserving Land for Public Purposes

The Direction requires that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or nominated officer). As the planning proposal seeks to reduce the area of public land, it is inconsistent with this Direction.

Council does not currently have an Open Space Strategy/Policy and has advised that, while development of a Strategy has begun, it is unlikely to be completed until some time next year. The planning proposal has therefore been assessed on the site specific and strategic merits of each site. Five of the properties serve a limited purpose as community land due to their small size (34R-36R Caravan Head Road, Oyster Bay; Part of 2R Alexander Avenue, Taren Point; 1 and 2 Myuna Place, Port Hacking) or land-locked location that serves no strategic purposes (9 Kingsway, Cronulla), the loss of which will result in no significant loss of public benefit. The other properties require reclassification to allow Council to achieve more strategic outcomes by relocating a drainage reserve to an alternate location to permit redevelopment of a larger amalgamated site (13R Pinnacle Street, Miranda) or more effective land use management for access purposes (11 Dampier Street, Kurnell).

The planning proposal is consistent with all other section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes the following current and proposed maps for the proposed rezoning of Part of 2R Alexander Avenue, Taren Point:

- Land Zoning;
- Height of Buildings;
- Floor Space Ratio;
- Landscape Area; and
- Lot Size.

These are adequate for assessment purposes. However, it is recommended the Gateway determination include a condition requiring Maps in accordance with the Standard Technical Requirements for LEP Mapping.

No other maps apply.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Given the nature of the planning proposal, Council's proposed 28 day community consultation period is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The proposed timeline allowing 6 months to submit the request for the draft instrument

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to be prepared is considered inadequate. A total time frame of 9 months is recommended, comprising 6 months with the RPA and 3 months to draft and make the instrument, given that the Governor's approval is required.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Sutherland Shire LEP 2015 was published on 23 June 2015.

Assessment Criteria

Need for planning proposal :

The planning proposal is the only means of achieving the aims of the proposal.

Consistency with strategic planning framework :

The planning proposal is consistent with A Plan for Growing Sydney, Direction 2.1 Accelerate housing supply across Sydney, and Action 2.1.3 Deliver more housing by developing surplus or under-used Government land, as it could facilitate delivery of a small number of additional dwellings through subdivisions and dual occupancies.

The proposal is consistent with Council's Community Strategic Plan, Our Shire Our Future: Our Guide to Shaping the Shire to 2030, as it will facilitate under-utilised land being developed for residential purposes, or to improve residential amenity and access.

The proposal could facilitate the following possible housing or related outcomes:

- 34R-36R Caravan Head Road, Oyster Bay – future subdivision;
- 13R Pinnacle Street, Miranda – additional housing and better access as part of a possible future land swap to create a larger amalgamated site;
- Part of 2R Alexander Avenue, Taren Point – dual occupancy at 98 Woodlands Road, Taren Point;
- 9 Kingsway, Cronulla – possible future redevelopment to support visitor economy, especially if it forms part of a larger amalgamated site (a priority for South Subregion in A Plan for Growing Sydney); and
- 11 Dampier Street, Kurnell – better regulate the existing vehicular access across the land to the rear of lots in Torres Street and Prince Charles Parade.

Environmental social economic impacts :

Environmental:

The Planning Proposal will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats.

The proposal will result in the rezoning of 75.5sqm of RE1 Public Recreation land to E4 Environmental Living at 2R Alexander Avenue, Taren Point. This land is subject to Council's Taren Point Shorebird Reserve Masterplan. Whilst the proposal is consistent with the Masterplan, as the subject land is contiguous with the Taren Point Shorebird Reserve, it is heavily disturbed (paved). This is considered to be justified, but it is recommended that the Gateway determination include a condition requiring the Taren Point Shorebird Reserve Masterplan to be publicly exhibited with the planning proposal.

The proposal will also facilitate creation of secondary accesses across the subject land zoned E3 Environmental Management at 1 and 2 Myuna Place, Port Hacking, including the immediate creation of an access way to a residential property at 24 Turriell Bay Road. Roads are a permissible use in the E3 zone. This is considered to be justified.

Social and Economic:

The reclassification of the parcels of land will have a positive social and economic impact, as it will permit the orderly and economic use and development of under-utilised sites in an existing urban area and facilitate more efficient use of existing Council assets.

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The reclassification of land at 9 Kingsway, Cronulla, is sought to give Council greater flexibility in future dealings with the land. The land is land-locked with access only via a right-of-way across the adjoining privately owned commercial properties, which currently use the subject land for car parking. Council does not intend to sell the land at this time and has not specified any change in its use, as its future intentions for the land are unknown. However, the land currently serves no strategic purpose and the proposal could facilitate, and potentially catalyse, future amalgamation of lots in the Cronulla Centre. Amalgamation of land in Area 9 of the Sutherland Shire LEP 2015 is encouraged under cl 4.4(2A) (b) of the LEP.

The reclassification of land at 13R Pinnacle Street, Miranda, is sought to encourage adjoining land owners to achieve amalgamation of the existing residential lots, subject to a land swap of the subject land with land further to the east. The subject land currently functions as a shortcut for pedestrians from Pinnacle Street to the Kingsway and hence to the Miranda Centre. Council's Housing Strategy increases dwelling numbers within walking distance of centres. Relocation further to the east will give the land owners greater flexibility to amalgamate lots and thus increase the capacity for residential development, but it retains the pedestrian short cut function. This is Option 2 in the Pinnacle Street Precinct in Council's Draft DCP 2015. On 25 March 2014, Council resolved to retain the land in Council ownership, or to swap it for land further to the east.

The reclassification of land at 11 Dampier Street, Kurnell, is sought to enable Council to better regulate existing vehicular access to the rear of lots in Torres Street and Prince Charles Parade. Under cl4.1D of SSLEP 2015, land accessed via the site cannot be subdivided and there are no easements or rights of carriageway over the subject land. It is therefore appropriate for Council to manage informal traffic across this Council-owned land.

Whilst the proposal will result in a small amount of additional traffic in local roads (34R-36R Caravan Head Road, Oyster Bay; Part of 2R Alexander Avenue, Taren Point; and 1 Myuna Place, Port Hacking) as a result of subdivisions and creation of secondary accesses, this is of minor significance.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services
Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report 2 November 2015.pdf	Proposal	Yes
Council Report 25 March 2014.pdf	Proposal	Yes
Council Report 30 November 2015.pdf	Proposal	Yes
Council Resolution 16 November 2015 2014.pdf	Proposal	Yes
Council Resolution 19 December 2015.pdf	Proposal	Yes
Council Resolution 25 March 2014.pdf	Proposal	Yes
Attachment 1 - Checklist.pdf	Proposal	No
Attachment 4 - Evaluation criteria for the delegation.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 4.1 Acid Sulfate Soils
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions
 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **The proposal cannot be delegated to Council as it is seeking to reclassify land from community land to operational land, and remove interests on two of the parcels of land. Consequently the Governor's approval is required.**

It is recommended that the planning proposal proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to include:

- a. the Taren Point Shorebird Reserve Masterplan; and**
- b. maps that clearly identify the subject site that is to be rezoned, showing both the current and proposed situation and to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps.**

2. The planning proposal is to be publicly exhibited for a minimum of 28 days.

3. Consultation is required with the following public authorities:

- Office of Environment and Heritage**
- Transport for NSW - Roads and Maritime Services**
- Sydney Water**

4. A public hearing is required to be held on the reclassification of the subject land.

5. The planning proposal be completed within 9 months of the Gateway Determination.

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Supporting Reasons :

The planning proposal is supported for the following reasons:

- it is consistent with the NSW strategic planning framework and Council's strategic plan;
- it assists Council to better manage Council-owned land; and
- it achieves better urban planning outcomes by facilitating potential site amalgamation in the Cronulla and Miranda centres, or is otherwise of minor significance.

Delegation of this planning proposal has been requested by Council. However, the proposal cannot be delegated as it relates to discharge of interests in public land under section 30 of the Local Government Act 1993.

Signature:



Printed Name:

K. ARMSTRONG

Date:

30/6/16

