

PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2015
(SSLEP 2015)

Amendment 6 - Reclassifications

Sutherland Shire Council

Contents

PART 1 – OBJECTIVES OR INTENDED OUTCOMES.....	4
PART 2 - EXPLANATION OF THE PROVISIONS	5
PART 3 - JUSTIFICATION	16
Section A – The need for the Planning Proposal	16
Section B – Relationship to strategic planning framework.....	17
Section C – Environmental, social and economic impact.....	21
Section D – State and Commonwealth Interests	22
PART 4 – MAPS.....	23
PART 5 - COMMUNITY CONSULTATION	26
PART 6 – PROPOSED TIMELINE	27
PART 7 – CONCLUSION	28
Appendix 1 – Checklist.....	29
Appendix 2 – Evaluation criteria for the issuing of an Authorisation	30
Appendix 3 – List of State Environmental Planning Policies	31
Appendix 4 – Local Planning Directions	34
Appendix 5 – Written Statements for the Reclassification of Land.....	37

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 2015 Amendment 6

ADDRESSES OF LAND

1. 34R-36R Caravan Head Road, Oyster Bay
2. 13R Pinnacle Street, Miranda
3. 75.5m² of land forming Part of 2R Alexander Avenue, Taren Point and the rezoning of this land from RE1 Public Recreation to E4 Environmental Living
4. 1 and 2 Myuna Place, Port Hacking
5. 9 Kingsway, Cronulla
6. 11 Dampier Street, Kurnell

INTRODUCTION

The planning proposal has been prepared to address the reclassification of 7 parcels of land and the associated rezoning of one of these parcels.

Four of the reclassifications were previously included in a planning proposal submitted for Gateway Determination, which was then withdrawn for procedural reasons. The proposed reclassification of 11 Dampier Street, Kurnell has previously been exhibited as an LEP amendment, but was unable to proceed for procedural reasons. The reclassification of the land in Myuna Place is in response to a specific resolution of Council relating to this land.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to amend Sutherland Shire Local Environmental Plan 2015 to reclassify the following land from 'community land to 'operational land':

1. 34R-36R Caravan Head Road, Oyster Bay
2. 13R Pinnacle Street, Miranda
3. 75.5m² of land forming Part of 2R Alexander Avenue, Taren Point and the rezoning of this land from RE1 Public Recreation to E4 Environmental Living
4. 1 and 2 Myuna Place, Port Hacking
5. 9 Kingsway, Cronulla
6. 11 Dampier Street, Kurnell

Council is willing to exercise an Authorization to delegate the plan making function for this planning proposal, should such a delegation be issued as part of the Gateway determination. The evaluation criteria for the issuing of an Authorisation is attached as Appendix 2.

PART 2 - EXPLANATION OF THE PROVISIONS

To achieve the proposed reclassifications the following amendments to SSLEP2015 are required:

LEP Provision	Amendment
Schedule 4 Classification and reclassification of land	Amend Part 1 Land classified or reclassified as operational land – no interests changed to include: • 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657) • 13R Pinnacle Street, Miranda (Lot 31 DP 11987) • 9 Kingsway, Cronulla (Lot 1 DP 700935) • 2R Alexander Avenue, Taren Point (Part Lot 1 DP 234622) • 11 Dampier Street, Kurnell (Lot 158 DP 7632)
Schedule 4 Classification and reclassification of land	Amend Part 2 Land classified or reclassified as operational land – interests changed to include: • 1 Myuna Place (Lot 10 DP 255123) – interests (2) and (4) to be discharged • 2 Myuna Place (Lot 9 DP 255123) – interests (2) and (3) to be discharged

See Appendix 6 for statements related to reclassifications

The reclassification of each of the parcels from community to operational under Schedule 4 will enable the sale of the land with adjoining owners. The matters included in the planning proposal are the result of council resolutions in response to strategic planning and reports prepared by council staff. A brief summary is provided below:

a. 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657)

The subject land is a Council-owned development control strip, currently classified as 'Community' land. Development control strips were imposed by Council when land subdivision originally occurred to stop particular lots accessing new roads where the lot had not financially contributed to the construction of the road. The owner of the adjoining property at 34-36 Caravan Head Road has requested to purchase the development control strip.



Location Map (subject land in green)



Aerial View 2012 34-36 subject land in red

The subject land and adjoining property at 34-36 Caravan Head Road are currently zoned R2 Low Density Residential. The property at 34-36 Caravan Head Road is occupied by a single dwelling at the rear which is the low end of the sloping site (i.e. closest to Cowan Road). It, and the subject land at 34R-36R Caravan Head Road are not subject to any environmental or heritage constraints, however they are both burdened by an easement. The proposed reclassification and sale of the access strip to the adjacent landowner would increase the land size of 34-36 Caravan Head Road by approximately 25m² to approximately 1760m². The proposed reclassification and sale would effectively give the property owner access via Cowan Street, Oyster Bay and facilitate the future subdivision and use of the upper lot for a wide range of uses (subject to development controls).

From a planning perspective, the reclassification of 34R-36R Caravan Head Road, Oyster Bay from 'community' to 'operational' is minor and of no strategic importance. The parcel is surplus to Council's needs. Council's Land Management Committee has endorsed the proposed reclassification to facilitate the sale of the land.

b. Part of 2R Alexander Avenue, Taren Point (Part Lot 1 DP 234622)

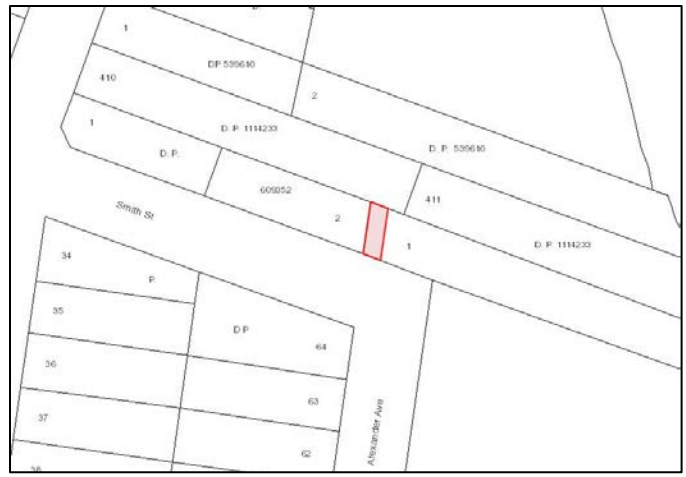
Council is the registered proprietor of Lot 1 in DP 23622 at 2R Alexander Avenue, Taren Point. The land forms part of the Taren Point Shorebird Reserve, a 5017m² 'L' shaped parcel that starts at the end of Alexander Avenue and wraps around the eastern foreshore of Woollooware Bay. It is currently zoned RE1 Public Recreation. The owner of an adjacent property at 98 Woodlands Road, Taren Point, has requested to acquire a rezoned portion of the Reserve to gain rear access to the property.



Aerial view of 2R Alexander Avenue, Taren Point



Aerial view of 98 Woodlands Road, Taren Point



Detailed view of that part of R2 Alexander Ave proposed for reclassification and sale

The subject land is included in the Taren Point Shorebird Reserve Masterplan, adopted by council in May 2009. However, it is a heavily disturbed (paved) area that forms part of the entrance to the 325 m long access road to the St George and Sutherland Shire Anglers Club at the southern end of 2R Alexander Avenue. It also provides access to Sutherland Shire's cycleway along Woollooware Bay (see below). The subject site is partially remediated contaminated land, subject to flooding and constrained by Class 2 Acid Sulfate Soils. Provided excavation is not required, this should not present a significant obstacle to future development on this land.



Council cycleway in yellow with red dashes. (Site of proposed sale to owner of 98 Woodlands Road outlined in red).

The subject land at 2R Alexander Avenue, Taren Point (and the adjoining property at 98 Woodland Road, Taren Point) is identified in the Lower Georges River Floodplain Risk Management Study & Plan. The land would be wholly affected by flooding to a water depth of between 100 and 200mm during a 1% AEP flood event. However, the flood risk for these lands is currently classified as Low in the study.

As presently configured, the property at 98 Woodlands Road does not meet the size requirements to allow residential subdivision to create an internal lot. Acquisition and rezoning of the identified portion will create the potential for subdivision of the existing lot into two properties which meet the required minimum lot size of 700m², each with independent street access.

A Development Application for the Torrens Title Subdivision of One Lot into Two Lots and Driveway Extension at 98 Woodlands Road, Taren Point (DA14/1169) has been received by Council. Development Consent has been issued, with a Deferred Commencement. The Consent does not operate until the following condition has been met:

Submission of an amended plan of subdivision indicating a widening of the proposed right-of-carriageway over proposed lot 1 such that it is 3.65m in width or, alternatively, written evidence of the creation of a minimum 3.65m wide legal access way from proposed lot 2 through an adjoining property to Smith Street, whether it be by way of a registered right-of-carriageway or a dedicated access corridor serving proposed lot 2.

While the consent offers two options to the owner of 98 Woodlands Road to achieve the required access, it is considered that the proposed reclassification and rezoning of part of 2R Alexander Ave for the creation of a minimum 3.65m wide legal access way adjoining the property at 1 Smith Street provides better design options for the proposed lot 1.

Further to the reclassification of the land, it is proposed to rezone the land from RE1 Public Recreation to E4 Environmental Living. This is the same as the zone which applies to the residential lots in the area (including 98 Woodlands Road). It is proposed to apply the same development standards as apply to the surrounding residential lots viz. FSR 0.5:1, maximum building height of 8.5m, landscape area requirement of 40% and minimum lot size of 700m². This will ensure consistency in the applicable development controls on the development site.

c. 13R Pinnacle Street, Miranda (Lot 31 DP 11987)

Sutherland Shire Council is the registered proprietor of Lot 31 in DP 11987, a drainage reserve located at 13R Pinnacle Street, Miranda. The drainage reserve connects Pinnacle Street to the Kingsway. No public infrastructure exists within the drainage reserve. The adjoining owners at 13 Pinnacle Street and 15 Pinnacle Street have enquired with Council as to the possibility of purchasing part of the drainage reserve up to their rear property boundary to incorporate the drainage reserve land into their property.



Subject land 13R Pinnacle Street, Miranda (Lot 31 DP11987)

The drainage reserve is approximately 225 m² in area. Council's Stormwater Division has confirmed that no public infrastructure exists within the reserve and that there is no intention to utilise the drainage reserve in the future. In 2011, requests from the adjoining owners sought the closure of the drainage reserve. Council officers in conjunction with Miranda Local Area Command investigated and analysed Council and NSW Police Force data which indicated no recorded incidents of criminal or anti-social activity. Council officers did not support the closure of the pathway.

The Pinnacle Street precinct in which the drainage reserve is located is in close proximity to Miranda Centre and has been rezoned under SSLEP2015 to Zone R4 High Density Residential. This is part of Council's Housing Strategy to increase dwelling numbers within walking distance of centres. The drainage reserve creates a shortcut for pedestrians from Pinnacle Street to the Kingsway and hence to the shops, services, train station and the bus stop on the Kingsway.

No other substantial infrastructure improvements are anticipated for the planned increased population in this area. It will be essential to maintain and improve this pedestrian link to offer amenity to future residents. Draft SSDCP2015 sets out specific controls for this precinct, including controls to enlarge the path and improve its amenity and safety to provide a pedestrian linkage. These controls also include amalgamation requirements to maintain the pedestrian linkage in its current position.



DCP Extract - Miranda Pinnacle Street Precinct Building Envelope Plan

The DCP also provides an alternative option to relocate the pedestrian path and assessment principles to accommodate an alternative building envelope on the adjoining sites, as indicated in the figure below.



DCP Extract - Pinnacle Street Precinct Building Envelope Plan Option 2: Relocated pedestrian path

Council resolved in March 2013 to reclassify the subject land from “community” to ‘Operational’, but indicated its support for this land being swapped for land to the east - rather than sold - to ensure the provision of a pedestrian access way in the precinct.

d. 1 and 2 Myuna Place, Port Hacking (Lots 9 and 10 DP 255123)

Council is the registered proprietor of Lot 10 DP 255123, 1 Myuna Place, Port Hacking and Lot 9 DP 255123, 2 Myuna Place, Port Hacking. 1 Myuna Place is a narrow parcel of land along the length of the western side of Myuna Place. 2 Myuna Place is a narrow parcel of land located on the eastern side of Myuna Place and extends along the western boundary of 102 Turriell Point Road. 1 Myuna Place and 2 Myuna Place are public reserve parcels and comprise an area of approximately 220m² and 94m² respectively and are classified as ‘community land’. The land is not signposted as a reserve and has little recreation value other than as a landscaping strip.



Location of 1 and 2 Myuna Place, Port Hacking (Lots 9 and 10 DP 255123)

Background investigations into the creation of 1 Myuna Place indicate that the land was dedicated as a public reserve as part of the overall subdivision and development of land that fronted Turriell Point Road, Port Hacking in the mid 1970's. The dedication of the land as a public reserve appears to have been created to prohibit double road frontages and rear access to allotments or properties along Little Turriell Bay Road. This enabled Council to control access onto the road now known as Myuna Place.

In 2013, Council received a written enquiry from the owner of 24 Turriell Bay Road, Port Hacking to acquire a small strip of the Council owned land at 1 Myuna Place. The owner had recently purchased 24 Turriell Bay Road and wished to facilitate access to the rear of their property through the construction of a driveway over the public reserve at 1 Myuna Place to allow rear property access from Myuna Place. To enable authorised access across the reserve, the land requires reclassification from 'Community Land' to 'Operational Land'. Upon reclassification, Council will be intending to sell a small portion of the land at 1 Myuna Place to the owners of 24 Turriell Bay Road to facilitate secondary access to the property.

Investigations in relation to 2 Myuna Place also identified that it *'was likely created for the same purposes as 1 Myuna Place. It currently serves no useful purpose and would not likely be considered a public reserve. The physical on site appearance of the land would clearly suggest to the community that it is part of the road reserve and should not be land dedicated for public reserve purposes.'*

The subject land at 1 and 2 Myuna Place and the adjoining properties are currently designated as Zone E3 – Environmental Management under the SSLEP2015. The E3 zone is primarily for single dwelling housing of a low density. The E3 zoning applying to the land sets the minimum lot size area for subdivision at 850m², or 1000m². The reclassification of the land will not affect

the subdivision potential, nor the development potential of the land at 24 Turriell Bay Road nor the any of the other sites adjoining the reserve.

From a planning perspective, the reclassification of 1 and 2 Myuna Place from 'community' to 'operational' is minor and of no strategic importance. No endangered communities exist on or in the vicinity of the site, and there are no likely environmental effects from the reclassification and use of the subject land. Nor is it likely that its reclassification will result in any significant social or economic effects. Both 1 and 2 Myuna Place, being small and irregular shaped parcels, have no net community benefit in terms of being public open space.

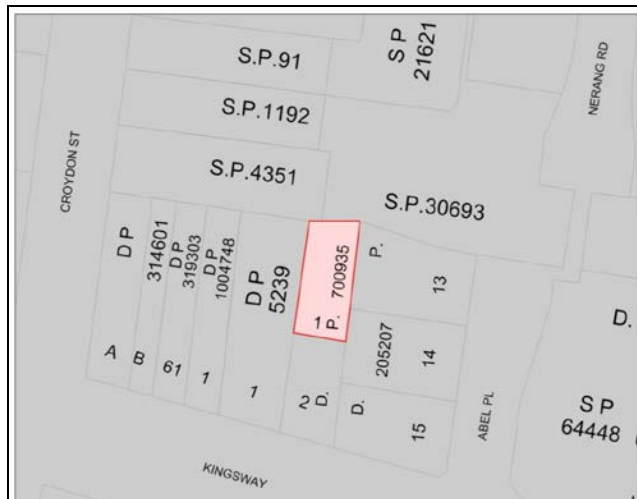
The reclassification of the land to allow access to the property at 24 Little Turriell Bay Road would contravene the initial intention of the creation of the public reserve. However, Myuna Place is a small street with relatively low traffic movements and as a consequence, allowing access from this street does not appear to have any significant impacts on Myuna Place.

Both 1 and 2 Myuna Place currently have interests attached to the land which affect their use. In order to facilitate the use of the land at 1 and 2 Myuna Place for operational purposes there is a need to amend the interests on the land. These are detailed in Part 3 Section A Sub-section 3 (below).

e. 9 Kingsway, Cronulla (Lot 1 DP 700935)

Council is the registered proprietor of a parcel of land situated at 9 Kingsway, Cronulla being Lot 1 in Deposited Plan 700935. The parcel was created when subdivision of the original lot was undertaken in 1983.

Due to its land locked location and the public being unaware of its existence the parcel of Council land currently acts a car parking area for the adjoining owners only and has no particular public use or amenity. The car park is accessed via a Right of Carriage Way over the properties at 13-23 Kingsway, Cronulla.



Location of 9 Kingsway, Cronulla (Lot 1 DP 700935)

The land was classified as community land during the 1993-1994 transitional period of the Local Government Act 1993. In 2008, it was earmarked for reclassification to operational land as an

amendment to the Sutherland Shire Local Environmental Plan 2006. However, this never occurred. Reclassification to operational land will provide Council with greater flexibility in relation to future dealing with the land. There is no agreement to sell the land at this point in time; however, disposal of the land is a future option.

f. 11 Dampier Street, Kurnell (Lot 158 DP 7632)

11 Dampier Street is a lot of 624m² with no significant vegetation and no structures other than a makeshift driveway. The lot was originally purchased by Council in the 1960s to create a public road. Since that time it appears it has been used for informal vehicular access to the rear of private properties fronting Prince Charles Parade and Torres Street, Kurnell. The amenity impacts on nearby and surrounding residents arising from the currently unauthorised use of the land has been the subject of a number of previous reports to Council.

Reclassification of the lot to operational land will enable Council to better regulate the existing vehicular access across the land. It will give Council the ability to issue licenses for private vehicle access and retain options to stop or vary vehicular access in response to amenity impacts. The reclassification will also adequately protect Council from public liability claims.



Aerial Photograph of 11 Dampier Street, Kurnell



Land to be reclassified (marked in red)

The State Government has issued directives, detailed in the Land Use Safety Study for the Kurnell Peninsula (2007), that there is to be no intensification of residential development through subdivision in Kurnell village. This is reinforced in clause 4.1D Subdivision of Land in Kurnell Village of SSLEP2015 which states:

'(2) Despite any other provision of this Plan, development consent must not be granted to the subdivision of land to which this clause applies if the consent authority is satisfied that the subdivision will result in an increase in the residential capacity of the land'

Consequently, subdivision of the adjoining residential parcels cannot be undertaken and the creation of a formal road to facilitate subdivision of the adjoining residential parcels is inappropriate.

Council has previously exhibited a draft LEP amendment to SSLEP2006 to reclassify 11 Dampier Street, Kurnell from "community" land to "operational" land (LEP Amendment No. 12). The draft plan was adopted by Council in November 2009, but the Department of Planning and Environment advised in June 2010 that the draft LEP could not be made as the subject land was subject to State Environmental Planning Policy (Kurnell Peninsula) 1989 and therefore could not be reclassified through a LEP Amendment. With the making of SSLEP2015 and the incorporation of Kurnell into the LEP, this impediment has been removed. This planning proposal therefore seeks to achieve the desired reclassification.

PART 3 - JUSTIFICATION

Section A – The need for the Planning Proposal

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

All public land must be classified by Council as either “community” or “operational” land. The main effect of classification is to restrict the alienation and use of the land. “Operational” land has no special restrictions other than those that may apply to any piece of land.

Community land is different. Classification as community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. This gives rise to the restrictions in the Environmental Planning and Assessment Act 1979, intended to preserve the qualities of the land. Community land:

- cannot be sold
- cannot be leased, licensed or any other estate granted over the land for more than 21 years
- must have a plan of management prepared for it.

Given the restrictions in the Environmental Planning and Assessment Act 1979, in order to allow Council to sell or exchange or manage access over land, reclassification of each of these properties is required.

At its meeting on 2 November 2015 (EHR030-16), Council confirmed its previous resolutions to reclassify the land at:

- 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657) from ‘Community’ land to ‘Operational’ land.
- 13R Pinnacle Street, Miranda (Lot 31 DP 11987) from ‘Community’ land to ‘Operational’ land.
- 75.5m² of land forming Part of 2R Alexander Avenue, Taren Point (Part Lot 1 DP 234622) from ‘Community’ land to ‘Operational’ land.
- 9 Kingsway, Cronulla (Lot 1 DP 700935) from ‘Community’ land to ‘Operational’ land
- 11 Dampier Street, Kurnell (Lot 158 DP 7632) from ‘Community’ land to ‘Operational’ land

At this meeting, Council also resolved to reclassify 1 and 2 Myuna Place, Port Hacking (Lot 10 DP 255123 and Lot 9 DP 255123) from ‘Community’ land to ‘Operational’ land.

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

The sites are currently classified as Community Land and therefore, Council is not able to develop, sell, exchange or dispose of the land under the provisions of the Local Government Act 1993. Reclassification of the land by amending the Sutherland Shire Local Environmental Plan 2015 is the only means of achieving the objective.

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

No interests are to be discharged in relation to the following land to be reclassified:

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

For the land at 1 Myuna Place, Port Hacking (Lot 10 DP 255123) the following are to be discharged from the land:

2. A472364 Rights to Mine.
4. K200000P Caveat by the Registrar General forbidding the registration of instruments not authorized by the provisions of the Local Government Act 1919 relating to Public Reserves.

The following interests are to remain on the land:

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
3. C851715 Easement for Drainage affecting part of the land above described designated (G) shown in the plan hereon.

For the land at 2 Myuna Place, Port Hacking (Lot 9 DP 255123) the following are to be discharged from the land:

2. A472364 Rights to Mine.
3. K200000P Caveat by the Registrar General forbidding the registration of instruments not authorized by the provisions of the Local Government Act 1919 relating to Public Reserves.

The following interest is to remain on the land:

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

The discharge of these interests from the land at 1 and 2 Myuna Place, Port Hacking is necessary to facilitate the disposal of the land and to remove restrictions from the land to allow its use in accordance with the E3 zoning.

Section B – Relationship to strategic planning framework

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

A Plan for Growing Sydney: *A Plan for Growing Sydney* establishes a long-term planning framework to manage Sydney's growth in a sustainable manner and strengthen its economic development whilst enhancing the unique lifestyle, heritage and environment of Sydney.

The following goals and directions apply to the Planning Proposal

- **Goal 2** – A city of housing choice, with homes that meet our needs and lifestyles.
 - o **Direction 2.1** – Accelerate housing supply across Sydney.
 - **Action 2.1.3** – Deliver more housing by developing surplus or under-used Government land.

Some of the reclassifications will provide Council with the opportunity to sell various parcels of land to the adjoining owners to incorporate on their sites. In the case of Alexander Avenue this will permit an increase in residential development. Other reclassifications will not permit an increase in residential development, but will consolidate existing residential development, or provide amenity for current and future residential development.

Draft South Subregional Strategy 2007: The draft *South Subregional Strategy* is an intermediate step in translating the Metropolitan Plan at a local level and acts as a broad framework for the long-term development of the area, guiding government investment and linking local and state planning issues.

The following directions and actions apply to the subject reclassifications:

- **B2** – Increase densities in centres whilst improving liveability.
- **B2.1** – Plan for housing in centres consistent with their employment role.
- **C1** – Ensure adequate supply of land and sites for residential development.
- **C2.1** – Focus residential development around centres, town centres, villages and neighbourhood centres

The Planning Proposal proposes the reclassification of undertutilised Council owned land within the Cronulla and Miranda Centres and other sites across the Sutherland Shire from Community to Operational Land. The reclassifications, except for 11 Dampier Street, will provide Council with the opportunity to sell or exchange the parcels of land to the adjoining owners to incorporate on their sites for residential development. Accordingly, the Planning Proposal is consistent with *A Plan for Growing Sydney* and the *draft South Subregional Strategy*.

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

The Sutherland Shire Community Strategic Plan *Our Shire Our Future: Our Guide to Shaping the Shire to 2030* provides the long term vision and a set of desired futures for the Sutherland Shire which the local community aspires to achieving. The Community Strategic Plan establishes a framework for growth and development for the Sutherland Shire LGA and addresses the draft South Subregional Strategy and employment targets. The Strategy also provides the foundation for the development of the SSLEP2015.

The following direction, objectives and actions apply to the subject reclassifications and rezoning:

- *Housing for all – Housing accommodates Shire household structures and demographic changes.*

The Planning Proposal is consistent with the Strategy as it may result in underutilized land around Sutherland Shire being developed for residential purposes or to improve residential amenity and access.

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

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. The SEPPs that are directly relevant to the Planning Proposal are detailed and reviewed below. For a complete checklist of SEPPs refer to Appendix 3.

In summary, it is considered that the Planning Proposal for rezoning and reclassification of the Council owned sites is not inconsistent with any of the SEPPs. However, further compliance and consistency with the SEPPs will need to be considered during the assessment of any future development application involving the subject sites.

The following is a discussion in relation to specific SEPPs that apply to this Planning Proposal.

- SEPP No. 19 – Bushland in Urban Areas: The key objective of this SEPP is to protect and preserve bushland within urban areas due to its value to the community, its aesthetic value and its value as a recreational, educational and scientific resource. The Policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

As noted previously in this report, five of the affected lots are small strips of land or existing hard paved public land with some trees located on them. However, the land does not contribute to the bushland within the Shire.

- SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land): The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

The planning proposal will reclassify underutilised Council owned Community Land to Operational Land which will permit the sale of the site to the adjoining property owners for residential development. This will promote the orderly and economic use and development of this surplus land.

- SEPP No. 55 – Remediation of Land: The land at Alexander Avenue, Taren Point is partially remediated contaminated land. Provided that no excavation will be undertaken on the subject land, this should not pose a significant obstacle to the use of this land to provide access to the rear lot to be created by the subdivision.

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

Yes. The Planning Proposal is generally consistent with the applicable s117 Ministerial Directions. See Appendix 4 for a listing of all applicable Directions. The following specific comments are provided:

- Direction 1.1 Business and Industrial Zones: The reclassification of 9 Kingsway, Cronulla does not affect the zoning of the land as B3 Commercial Centre; however, this land has historically not been used of business purposes.
- Direction 4.1 Acid Sulfate Soils: The land at Alexander Avenue, Taren Point has Class 2 acid sulfate soils. The direction requires an acid sulfate soils study to be prepared if the planning proposal requires an intensification of land uses. Development Consent has been issued for the proposed residential development and subdivision. Assessment of the development proposal would have included consideration of the acid sulfate soils prior to consent being issued. It is therefore considered that any significant adverse environmental impacts have already been addressed and hence, the planning proposal is consistent with the direction.
- Direction 6.1 Residential Zones: The subject sites (except for 9 Kingsway, Cronulla) are located within established residential areas with existing infrastructure and services. The Planning Proposal is consistent with the direction as the existing residential zones are maintained, it will not impact upon the supply of residential land or housing supply; and it makes efficient use of existing infrastructure and services.
- Direction 6.2 Reserving Land for Public Purposes: The planning proposal seeks to rezone part of a lot at Alexander Avenue, Taren Point from RE1 to E4 Environmental Living in conjunction with the proposed reclassification of the land. This will permit the use of the adjoining land at 98 Woodlands Road for residential development and subdivision. The Local Planning Directions require the approval of the Secretary of NSW Planning and Environment for this rezoning. Such approval will be sought as part of the progress of the Planning Proposal through the Gateway.

The Proposal is to revoke the Community Land status of 7 parcels of land. The Local Planning Directions require the approval of the Secretary of NSW Planning and Environment for such removal of reservation. Such approval will be sought as part of the progress of the Planning Proposal on the basis that 5 of the properties serve a limited purpose as community land due to their small size or location (34R-36R Caravan Head Road, Oyster Bay; part of 2R Alexander Avenue, Taren Point, 1 and 2 Myuna Place, Port Hacking and 9 Kingsway, Cronulla) and can therefore be considered for sale without loss of public benefit. The other properties require reclassification to allow Council to more effectively manage activities on the land (11 Dampier Street, Kurnell) or to achieve a desired outcome (public accessway between Pinnacle Street and The Kingsway, Miranda).

- Direction 6.3 Site Specific Provisions: The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The rezoning of the land at 2R Alexander Avenue, Taren Point will result in the application of the relevant development standards for the E4 Environmental Living zone to the site. Although this introduces development controls to the land to be reclassified, this is not inconsistent with the objective

of the direction as it will not introduce restrictive site specific planning controls or impose any additional development standards/requirements to those already applied to the E4 zone and therefore on the rest of the land forming part of 98 Woodlands Road, Taren Point.

- Direction 7.1 Implementation of A Plan for Growing Sydney: The intent of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. The reclassification of land is an administrative function and does not impact on the ability to achieve the Strategic Directions and Actions of *A Plan for Growing Sydney*.

Section 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 proposal will not impact upon any critical habitat, threatened species, populations or ecological communities or their habitats. None of the sites apart from 2R Alexander Avenue contain any of the above communities. It is considered that the reclassification of the land at 2R Alexander Avenue will have no impact on the shorebirds at Taren Point as the subject land is over 100m from the area identified as being the location of the shorebirds nesting sites.

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

No. Most of the proposed changes are minor or administrative in nature and are unlikely to result in any environmental effects.

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

The planning proposal has considered the social and economic effects of the proposed changes. Any effects are minimal; specifically:

- The reclassification of a development control strip at 34R-36R Caravan Head Road, Oyster Bay allows its sale to the owner of the adjoining 34-36 Caravan Head Road property. The sale would effectively give 34-36 Caravan Head Road additional access via Cowan Street, Oyster Bay and would facilitate the future subdivision and use of the land for a range of permissible residential uses (subject to development consent). This is consistent with surrounding uses and would not result in an adverse social impact.
- The reclassification of a 75.2m² portion of 2R Alexander Avenue, Taren Point from 'Community Land' to 'Operational Land' and its rezoning from RE1 Public Recreation to E4 Environmental Living will facilitate the future subdivision and use of

the land for a range of permissible residential uses (subject to development consent). This is consistent with surrounding uses and would not result in an adverse social impact.

With regard to the proposed access across part of 2R Alexander Avenue, care must be taken to ensure that any future development of the site does not hinder access for pedestrians or cyclists to either of the purpose built pathways through the Taren Point Shorebird Reserve, or for vehicles bound for the Anglers Club. This has been addressed as part on the development application.

- The proposed reclassification of 13R Pinnacle Street, Miranda is considered to result in positive social effects by facilitating improved pedestrian connectivity (effectively a shortcut) from an area proposed for increased residential density to the shops, public transport and other services available on the Kingsway.
- The proposed reclassification of the land at 9 Kingsway, Cronulla (currently operating as a small, poorly designed council car park) from 'community' to 'operational' will facilitate a wider range of economic uses of this site thus promote better economic outcomes.
- The proposed reclassification of 1 Myuna Place is considered to give 24 Turriell Bay Road additional access via Myuna Place. This would not result in an adverse social impact.
- The proposed reclassification of 11 Dampier Street, Kurnell is considered to give Council greater ability to manage vehicular access across this site. This can increase the amenity for adjoining residents.

Section D – State and Commonwealth Interests

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

This proposal is unlikely to have any impacts on infrastructure provision.

2. What are the views of State and Commonwealth public authorities consulted in accordance within the gateway determination?

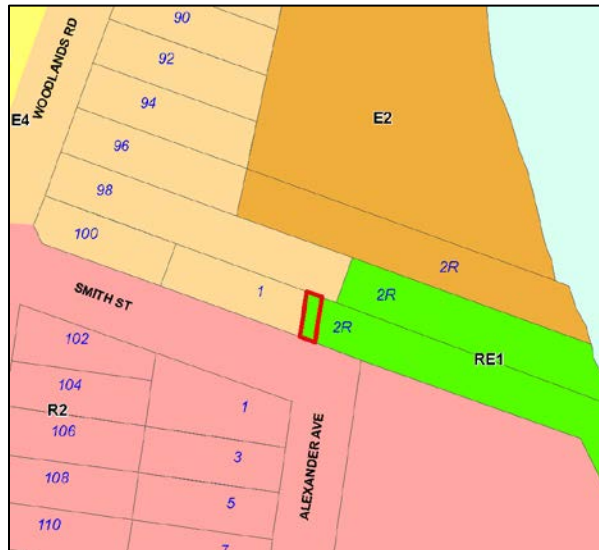
No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the Gateway Determination.

PART 4 – MAPS

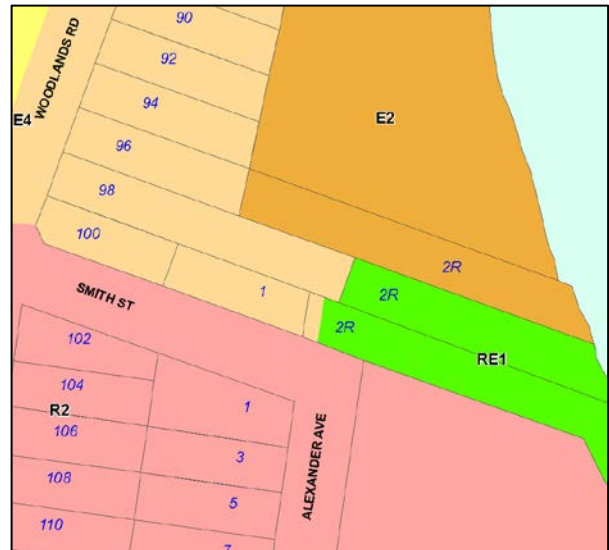
The following changes to maps are proposed to achieve the proposed rezoning of part of 2R Alexander Avenue, Taren Point (Part Lot 1 DP 234622)

Land Zoning Map

Current Zone – RE1 Public Recreation



Proposed Zone – E4 Environmental Living



Height of Buildings Map

Current Height of Buildings– none



*Proposed Height of Buildings – 8.5m
(consistent with E4 Environmental Living zone)*



Floor Space Ratio Map

Current FSR– none



Proposed FSR– 0.5:1 (consistent with E4 Environmental Living Zone)



Landscape Area Map

Current Landscape Area– 35%



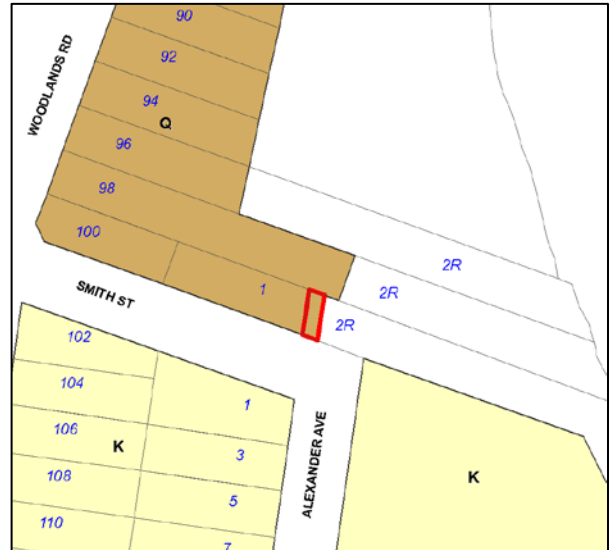
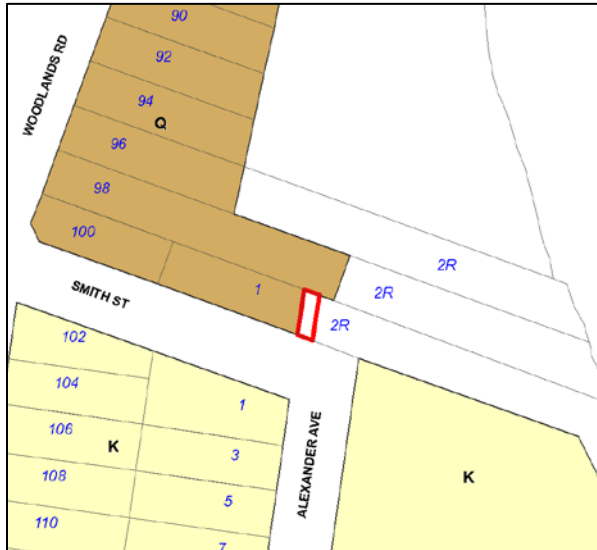
Proposed Landscape Area – 40% (consistent with E4 Environmental Living zone)



Lot Size Map

Current Minimum Lot Size – none

Proposed Minimum Lot Size – 700 m²
(consistent with E4 Environmental Living zone)



PART 5 - COMMUNITY CONSULTATION

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2013), the Planning Proposal will be exhibited for a period of **28 days**.

In accordance with the NSW Department of Planning and Infrastructure’s Practice Note PL09-003 Classification and reclassification of public land through a local environmental plan, the planning proposal includes a written statement relating to each proposed reclassification, as required by the Practice Note.

It is proposed that the exhibition will include:

Advertisement in local newspaper: An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader identifying the purpose of the planning proposal and where the planning proposal can be viewed.

Consultation with affected owners and adjoining landowners: A letter will be sent to landowners whose land is affected by the planning proposal, and adjoining landowners.

Displays at the Council Administration Building and local libraries: The planning proposal will be displayed at the Council Administration Building, 4-20 Eton Street, Sutherland and in all branch libraries (located in Bundeena, Caringbah, Cronulla, Engadine, Menai, Miranda, Sutherland and Sylvania)

Advertisement on the Council website: The planning proposal will be exhibited on the Council website (www.sutherlandshire.nsw.gov.au) with links from the home page.

Public Hearing: At the close of the public exhibition period, Council will hold a public hearing for the reclassification of land from Community Land to Operational Land, pursuant to the provisions of the *Local Government Act 1993*.

The public hearing will be undertaken in accordance with s29 of the Local Government Act. Notification of the public hearing will be issued at least 21 days before the start of the hearing:

- On Council’s website
- In the local newspaper, and
- In writing to adjoining owners, any persons who requested a public hearing when making a submission and relevant authorities.

Information relating to the Public Hearing will be on display at the Council Administration Centre, 4-20 Eton Street, Sutherland.

Direct contact: Interested parties will be able to contact the Strategic Planning Unit of Council directly through a telephone hotline and through a dedicated email address.

PART 6 – PROPOSED TIMELINE

The project timeline for the Planning Proposal is as follows:

Milestones	Timing
1. Gateway Determination	June 2016
2. Exhibition Start	July 2016
3. End Exhibition	August 2016
6. Review and Consideration of submissions	September/ October 2016
4. Public Hearing for Reclassification of Public Land	September 2016
5. Review and Consider Report from Public Hearing	October 2016
7. Report to Committee on submissions and public hearing	December 2016
8. Council Meeting	December 2016
9. Request for draft instrument to be prepared	December 2016

PART 7 – CONCLUSION

In summary, the Planning Proposal seeks the reclassification of:

- 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657) from 'Community' land to 'Operational' land.
- 13R Pinnacle Street, Miranda (Lot 31 DP 11987) from 'Community' land to 'Operational' land.
- The reclassification of 75.5m² of land forming Part of 2R Alexander Avenue, Taren Point (Part Lot 1 DP 234622) from 'Community' land to 'Operational' land.
- The reclassification of 9 Kingsway, Cronulla (Lot 1 DP 700935) from 'Community' land to 'Operational' land.
- The reclassification of 1 and 2 Myuna Place, Port Hacking (Lot 10 DP 255123 and Lot 9 DP 255123) from 'Community' land to 'Operational' land.

The reclassifications will enable Council the opportunity to sell underutilized assets with no public value to the adjoining property owners who have approached Council to purchase the subject properties. Proceeds from the sale of the properties could be reinvested into purchasing new open space or upgrading existing assets which are of greater benefit to the public.

It also allows Council to better manage the use of land at 11 Dampier Street, Kurnell and consider alternatives in relation to the land at 9 Kingsway, Cronulla and 13R Pinnacle Street, Miranda.

The Planning Proposal proposes the rezoning of a small portion of land at 2R Alexander Avenue from RE1 Public Recreation to E4 Environmental Living with the applicable development standards being applied.

The Planning Proposal is generally consistent with relevant State and local legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.

Appendix 1 – Checklist

Appendix 2 – Evaluation criteria for the issuing of an Authorisation

Appendix 3 – List of State Environmental Planning Policies

The following tables list the State Environmental Planning Policies (SEPPs) and Deemed SEPP's which are applicable to the Sutherland Shire Local Government Area, the applicability to, and compliance of, the planning proposal with these policies.

STATE ENVIRONMENTAL PLANNING POLICIES APPLICABLE TO SUTHERLAND SHIRE LOCAL GOVERNMENT AREA

State environmental planning policies (SEPPs) deal with issues significant to the state and people of New South Wales. They are made by the Minister for Planning and may be exhibited in draft form for public comment before being gazetted as a legal document.

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT? COMMENT
<u>SEPP No. 1- Development Standards</u>	N/A	
<u>SEPP No. 19 - Bushland in Urban Areas</u>	Yes	The planning proposal is consistent with this policy.
<u>SEPP No. 21 - Caravan Parks</u>	N/A	
<u>SEPP No. 30 - Intensive Agriculture</u>	N/A	
<u>SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)</u>	Yes	The planning proposal is consistent with this policy.
<u>SEPP No. 33 - Hazardous and Offensive Development</u>	N/A	
<u>SEPP No. 39 - Spit Island Bird Habitat</u>	N/A	
<u>SEPP No. 50 – Canal Estates</u>	N/A	
<u>SEPP No. 55 – Remediation of Land</u>	Yes	Provided no excavation is undertaken to provide access, the planning proposal is consistent with this policy.
<u>SEPP No. 62 – Sustainable Aquaculture</u>	N/A	

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT? COMMENT
<u>SEPP No. 64 - Advertising and Signage</u>	N/A	.
<u>SEPP No. 65 - Design Quality of Residential Flat Development</u>	N/A	
<u>SEPP No. 71 - Coastal Protection</u>	Yes	The planning proposal is consistent with this policy.
<u>SEPP (Affordable Rental Housing) 2009</u>	N/A	
<u>SEPP (Building Sustainability Index: BASIX) 2004</u>	Yes	The planning proposal is consistent with this policy.
<u>SEPP (Exempt and Complying Development Codes) 2008</u>	Yes	The planning proposal is consistent with this policy.
<u>SEPP (Housing for Seniors or People with a Disability) 2004</u>	N/A	
<u>SEPP (Infrastructure) 2007</u>	Yes	The planning proposal is consistent with this policy.
<u>SEPP (Development on Kurnell Peninsula) 1989</u>	N/A	
<u>SEPP (Major Development) 2005</u>	N/A	
<u>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</u>	N/A	
<u>SEPP (Miscellaneous Consent Provisions) 2007</u>	N/A	

**DEEMED STATE ENVIRONMENTAL PLANNING POLICIES
APPLICABLE TO SUTHERLAND SHIRE LOCAL GOVERNMENT AREA
(REGIONAL ENVIRONMENTAL PLANNING POLICIES)**

All existing REPs are now deemed State environmental planning policies (SEPPs). These cover issues such as urban growth, commercial centres, extractive industries, recreational needs, rural lands, and heritage and conservation. The Department of Planning and Infrastructure is reviewing all these remaining REPs as part of the NSW planning system reforms.

DEEMED STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT? COMMENT
<u>Greater Metropolitan REP No. 2 - Georges River Catchment</u>	N/A	
<u>REP No. 9- Extractive Industry (No. 2)</u>	N/A	

Appendix 4 – Local Planning Directions

The following Directions have been issued by the Minister for Planning and Environment to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Environment.

Note: Directions [5.5 Development in the vicinity of Ellalong, Paxton and Millfield \(Cessnock LGA\)](#), 5.6 Sydney to Canberra Corridor and 5.7 Central Coast have been revoked.

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT? COMMENT
1. Employment and Resources		
1.1 Business and Industrial Zone	Yes	The Planning Proposal is consistent.
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	N/A	
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	
2.4 Recreation Vehicle Areas	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	The Planning is consistent with the Planning Direction.
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	Yes	The planning proposal is consistent with the Planning Direction.
3.4 Integrating Land Use and Transport	Yes	The planning proposal is consistent

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT? COMMENT
		with the Planning Direction.
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The planning proposal is consistent with the Planning Direction.
4.2 Mine Subsidence and Unstable Land	No	The planning proposal does not apply to land that is within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, or has been identified as unstable land
4.3 Flood Prone Land	Yes	The planning proposal plan is consistent with the planning direction.
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	No	The Planning Direction is not applicable to the Sutherland Shire
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	The Planning Direction is not applicable to Sutherland Shire Local Government Area.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	The Planning Direction is not applicable to Sutherland Shire Local Government Area.
5.8 Second Sydney Airport: Badgerys Creek	No	The Planning Direction is not applicable to Sutherland Shire Local Government Area.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The planning proposal is consistent with the Planning Direction.

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT? COMMENT
6.2 Reserving Land for Public Purposes	Yes	The planning proposal is consistent with the Planning Direction.
6.3 Site Specific Provisions	Yes	The planning proposal is consistent with the Planning Direction.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The planning proposal is consistent with the Planning Direction

Appendix 5 – Written Statements for the Reclassification of Land

- 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657)
- 13R Pinnacle Street, Miranda (Lot 31 DP 11987)
- 9 Kingsway, Cronulla (Lot 1 DP 700935)
- 2R Alexander Avenue, Taren Point (Part Lot 1 DP 234622)
- 11 Dampier Street, Kurnell (Lot 158 DP 7632)
- 1 and 2 Myuna Place, Port Hacking (Lots 9 and 10 DP 255123)

34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657)

As directed in PN 09-003 "Classification and reclassification of public land through a local environmental plan", the following written statement is made in relation to the reclassification of **34R-36R Caravan Head Road, Oyster Bay** from community to operational land.

Council's ownership of the land, if this applies	Council is the owner of the land.
The nature of council's interest in the land, e.g. council has a 50 year lease over the site	Council is the registered proprietor of the land.
How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	The site was originally acquired in the late 1970's when Council purchased a strip of land along the rear of the lots at Caravan Head Road to construct Cowan Street. At the time the residents of 34-36 Caravan Head Road did not contribute to the construction costs of the road although it provided their land with direct access and improved the land and subdivision potential. Council retained an access control strip across the Cowan Street frontage to allow road and drainage work costs to be recouped in the future.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	As mentioned above.
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	On the reclassification of the land from community land to operational the land will be sold to the adjoining neighbour at 34-36 Caravan Head Road, Oyster Bay. The sale price of the land is to be determined through an independent valuation and sale will be upon the agreement of this value.
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre	If Council is to dispose of this land on it reclassification to operational land, Council will receive a financial gain from the sale. The value of the land will be determined by an independent valuer and the sale price will recover the costs of the constructions of Cowan Street which was done in the late 1970's when the lot was created.
The asset management objectives being	The development control strip was created

pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	when the residents of 34-36 Caravan Head Road, Oyster Bay refused to contribute to the construction costs of Cowan Street and the drainage works. The sale of this development control strip will recoup Council of the construction costs of the road in the late 1970's.
Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.	A request from the owner of the land at 34-36 Caravan Head Road, Oyster Bay to purchase the land has been received. An agreement on the sale of the land has not been finalised and is subject to reclassification of the land to operational land and an agreement on the sale price of the land. The land does not have any saleability qualities to appeal to any purchaser other than the adjoining neighbour at 34-36 Caravan Head Road, Oyster Bay. If the sale falls through with the adjoining neighbour the strip of land will remain in Council's ownership.

13R Pinnacle Street, Miranda (Lot 31 DP 11987)

As directed in PN 09-003 "Classification and reclassification of public land through a local environmental plan", the following written statement is made in relation to the reclassification of **13R Pinnacle Street, Miranda** from community to operational land..

Council's ownership of the land, if this applies	Council is the owner of the land.
The nature of council's interest in the land, e.g. council has a 50 year lease over the site	Council is the registered proprietor of the land.
How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	The subject land was created in 1921 in a subdivision of Pinnacle Street, Miranda as a drainage reserve.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	Council does not have files as per the purpose of the acquisition. This land is noted on the deposited plan as a drainage reserve. Council's Stormwater Unit have confirmed that no public infrastructure exists within the reserve.
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	The owners at 15 Pinnacle Street and 13 Pinnacle Street wish to acquire part of the drainage reserve up to their rear property boundary, it is suggested that the whole drainage reserve be reclassified from 'Community Land' to 'Operational Land' to provide Council with the option of considering any possible future enquiries for acquisition from the other adjoining owners that front the Kingsway. The reclassification would also allow a possible land swap for land to the east of provide a pedestrian link between Pinnacle Street and The Kingsway as envisaged in the redevelopment of the Pinnacle Precinct.
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre	If Council is to dispose of this land, Council may obtain a financial gain from the sale of the land. This sale price is to be determined by a registered property valuer.
The asset management objectives being pursued, the manner in which they will be	To eliminate the possibility of any potential future anti-social activity and safety concerns,

achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	it is viewed as appropriate to consider any possibility of a sale to the adjoining owners at 15 Pinnacle Street and 13 Pinnacle Street, Miranda. Council wishes to maintain a pedestrian link between Pinnacle Street and The Kingsway. The reclassification would provide Council with the flexibility to swap this parcel for land to the east of provide a pedestrian link between Pinnacle Street and The Kingsway as envisaged in the redevelopment of the Pinnacle Precinct.
Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.	The owners at 15 Pinnacle Street and 13 Pinnacle Street wish to acquire part of the drainage reserve up to their rear property boundary. No formal agreement has been entered with Council for the sale of this land. If the sale of the land is to fall through the land will remain in the ownership of Council.

9 Kingsway, Cronulla (Lot 1 DP 700935)

As directed in PN 09-003 "Classification and reclassification of public land through a local environmental plan", the following written statement is made in relation to the reclassification of **9 Kingsway, Cronulla** from community to operational land.

Council's ownership of the land, if this applies	Council is the owner of the land.
The nature of council's interest in the land, e.g. council has a 50 year lease over the site	Council is the registered proprietor of the land.
How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	This land was created in 1983 through a subdivision.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	It would appear the land was acquired for car parking purposes
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	No agreement have been formed over the future use of this land.
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre	Council resolved on 17 March 2008 that action be taken to confirm the operation land classification of Council Carparks. This carpark was classified as community land during July 1993-June 1994 transitional period of the Local Government Act 1993.
The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	An operational land classification will allow Council to deal with the land in a less restricted manner. Disposal of the land is an option
Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.	There is no agreement or plan to sell this land at this point in time.

2R Alexander Avenue, Taren Point (Part Lot 1 DP 234622)

As directed in PN 09-003 "Classification and reclassification of public land through a local environmental plan", the following written statement is made in relation to the reclassification of **2R Alexander Ave, Taren Point** from community to operational land..

Council's ownership of the land, if this applies	Council is the owner of the land.
The nature of council's interest in the land, e.g. council has a 50 year lease over the site	Council is the registered proprietor of the land.
How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	The site was originally acquired in 1967 from a subdivision of the area and today forms part of the Taren Point Shorebird Reserve.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	The land appears to have been acquired for open spaces purposes
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	The owner of 98 Woodlands Road, Taren Point has written to Council requesting to acquire a small portion of the entrance of this reserve to enable efficient and sensitive use of their land. Upon the reclassification of the land to an operational classification, Council will be intending the sell a small portion of the land to the owners at 98 Woodlands Road, Taren Point.
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre	If Council is to dispose of this land on it reclassification to operational land, Council will receive a financial gain from the sale. The value of the land will be determined by an independent valuer.
The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	Reclassification will permit Council to manage dealings on the land in a less restricted manner. Disposal of the land is an option or another form of agreement for access purposes to 98 Woodlands Road from Smith Street
Whether there has been an agreement for the sale or lease of the land; the basic details of	A request from the owner of the land at 98 Woodlands Road, Taren Point to purchase a

any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.	portion of the land has been received. An agreement on the sale of the land has not been finalised and is subject to reclassification of the land to operational land and an agreement on the sale price of the land.
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11 Dampier Street, Kurnell (Lot 158 DP 7632)

As directed in PN 09-003 "Classification and reclassification of public land through a local environmental plan", the following written statement is made in relation to the reclassification of **11 Dampier Street, Kurnell** from community to operational land..

Council's ownership of the land, if this applies	Council is the owner of the land.
The nature of council's interest in the land, e.g. council has a 50 year lease over the site	Council is the registered proprietor of the land.
How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	The subject land was purchased in the late 1960's to create a public road.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	The subject land was acquired to create a public road and since that time, it has been used an informal vehicular access to the rear of private properties fronting Prince Charles Parade and Torres Street.
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	There is no agreement to dispose of the parcel. It is suggested to be reclassified to operational land for Council to better manage vehicular access across the land.
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre	There is no agreement or intention for the parcel to be disposed to any adjoining owner(s).
The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	The reclassification of the subject land will allow Council to better manage vehicular access to the private properties fronting Prince Charles Pde and Torres Street.
Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or	There has been no agreement to dispose the parcel to any adjoining owner(s). The reclassification is to allow Council to better manage vehicular access.

at a later time.	
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1 and 2 Myuna Place, Port Hacking (Lots 9 and 10 DP 255123)

As directed in PN 09-003 "Classification and reclassification of public land through a local environmental plan", the following written statement is made in relation to the reclassification of **1 & 2 Myuna Place, Port Hacking** from community to operational land..

Council's ownership of the land, if this applies	Council is the owner of the land.
The nature of council's interest in the land, e.g. council has a 50 year lease over the site	Council is the registered proprietor of the land.
How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	The site at 1 Myuna Place was originally acquired in the late 1970's when Council stipulated, as part of a broader subdivision, that land be dedicated as public reserve to restrict rear access from Myuna Place to properties fronting Little Turriell Bay Road. 2 Myuna Place was also part of this broader subdivision and was also dedicated as a public reserve.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	The sites was originally acquired in the late 1970's when Council stipulated, as part of a broader subdivision, that land be dedicated to restrict rear access from Myuna Place to properties fronting Little Turriell Bay Road. This condition was undertaken to better manage vehicular traffic in Myuna Place given its narrow nature.
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	The owners of 24 Little Turreill Bay Road, Lilli Pilli has written to Council requesting to acquire a small portion of 1 Myuna Place to enable secondary access from the rear to the property. Upon the reclassification of the land to an operational classification, Council will be intending to sell a small portion of the land at 1 Myuna Place to the owners at 24 Little Turriell Bay Road, Lilli Pilli to facilitate this secondary access.
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development	If Council is to dispose of this land on reclassification to operational land, Council will receive a financial gain from the sale. An independent valuer was engaged and commercial terms have been agreed subject to reclassification.

is valued at between \$2000 and \$5000 per square metre	
The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	1 & 2 Myuna Place are currently maintained by Council. Any potential disposal of these parcels will reduce Council's asset management burden.
Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.	Terms have been agreed to, in principle, between Council and the owner at 24 Little Turriell Bay Road. 1 Myuna Place must be subdivided to facilitate the sale of part of the reserve. No written agreement has been entered into.