

Planning Proposal for 1A Atkinson Road and 1-13 Atkinson Road, Taren Point

Proposal Title :	Planning Proposal for 1A Atkinson Road and 1-13 Atkinson Road, Taren Point		
Proposal Summary :	The planning proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) by: • amending the zoning map for the subject sites from RE1 Public Recreation to B7 Business Park; • remove the land reservation acquisition status for the subject sites; • apply a maximum floor space ratio of 1.5:1; • apply a minimum lot size of 1Ha; • apply a maximum building height of 16m; and • apply a minimum landscape area requirement of 10%.		
PP Number :	PP_2017_SUTHE_001_00	Dop File No :	17/01969

Proposal Details

Date Planning Proposal Received :	20-Jan-2017	LGA covered :	Sutherland
Region :	Metro(CBD)	RPA :	Sutherland Shire Council
State Electorate :	MIRANDA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	1A Atkinson Road		
Suburb :	Taren Point	City :	Sydney
Land Parcel :	Lot 1 DP 551751	Postcode :	2229
Street :	1-13 Atkinson Road		
Suburb :	Taren Point	City :	Sydney
Land Parcel :	part Lot 2 DP 551751	Postcode :	2229

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with 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 :

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment : **The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this proposal.**

Supporting notes

Internal Supporting
Notes : **The planning proposal is supported as the rezoning will ensure the zoning and development standards reflect the existing use of the land, and given an alternative solution for a recreational path has been identified for this part of Woollooware Bay.**

Delegation to Sutherland Shire Council is supported as the planning proposal is minor in nature. The planning proposal also relates to land which is not owned by the Sutherland Shire Council.

External Supporting
Notes : **The planning proposal for 1A and 1-13 Atkinson Road, Taren Point (the site) seeks to make the following amendments to the Sutherland Shire Local Environmental Plan 2015 (SSLEP**

2015):

- rezone the site from RE1 Public Recreation to B7 Business Park;
- remove the land reservation acquisition status;
- apply a maximum floor space ratio of 1.5:1;
- apply a minimum lot size of 1Ha;
- apply a maximum building height of 16m; and
- apply a minimum landscape area requirement of 10%.

The privately owned properties at 1A and 1-13 Atkinson Road, Taren Point were identified for acquisition in order to construct Stage 6 of the Woollooware Bay cycleway. As the sites have viable businesses operating on them, an alternative solution has been found that takes most of the cycle link over water and avoids acquiring the lots on which the businesses currently operate. The rezoning of the land from RE1 Public Recreation to B7 Business Park and removal of the Land Reservation Acquisition status will remove Council's obligation to purchase the land.

Adequacy Assessment

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

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

Comment : The planning proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015 to remove Council's obligation to buy the subject sites, as well as supporting the continuation of existing businesses.

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

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

Comment : The following provisions are suggested:

- rezone the site from RE1 Public Recreation to B7 Business Park;
- remove the land reservation acquisition status;
- apply a maximum floor space ratio of 1.5:1;
- apply a minimum lot size of 1Ha;
- apply a maximum building height of 16m; and
- apply a minimum landscape area requirement of 10%.

The explanation of the proposal's provisions is adequate.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

2.1 Environment Protection Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

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? **Yes**

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

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

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

A PLAN FOR GROWING SYDNEY

The planning proposal notes that Goal 3– A great place to live with communities that are strong, healthy and well connected, is relevant to the planning proposal because the proposal intends to facilitate the construction of Stage 6 of the Woollooware Bay cycleway, which in turn will help enhance the community connections with the natural features of the bay while providing a new link between neighbouring suburbs and active transport links to new centres.

It is considered that the proposal is consistent with Goal 1 - A competitive economy with world class services and transport, as the proposal will support commerce, business and investment within the area and provide certainty to existing business operators on the subject site. Of particular relevance is Direction 1.9 which identifies priority industries for growth and provides actions to support these industries.

The site is located within the plan's South subregion. In planning for this subregion, it was identified that there are opportunities for strong local employment growth within the Taren Point employment area. A priority of the South subregion is the support of manufacturing and logistics employment areas, such as Taren Point. It is considered that the proposal is consistent with the subregional priorities for the south subregion.

DRAFT SOUTH DISTRICT PLAN

The draft District plans, which were released on 21 November 2016, note that employment and urban services zoned land supports activities that are central to Sydney's productivity, sustainability and liveability. Employment and urban services are transitioning away from "traditional" industries towards high technology and emerging industries.

The proposal notes that the following South District Plan Specific Priorities are relevant to the subject rezoning:

- Productive Priority 8: Support the growth of tourism infrastructure
- Liveability Priority 4: Facilitate the delivery of safe and healthy places
- Liveability Priority 5: Facilitate enhanced walking and cycling connections
- Sustainability Priority 2: Avoid and minimise impacts on biodiversity
- Sustainability Priority 3: Align strategic planning to the vision for the Green Grid

It is considered that Productive Priority 4: Managing employment and urban services land across the District is relevant, as the proposal involves zoning land for employment purposes. The proposal is considered consistent with this priority as the rezoning will allow the continuation of the business currently situated on the site and provides certainty regarding the future use of the sites for employment and business uses.

SECTION 117 DIRECTIONS

Direction 6.2 Reserving Land for Public Purposes

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The planning proposal is considered to be inconsistent with this Direction as it will result in the reduction of existing land reserved for public purpose. However, the inconsistency is considered to be justified and minor in nature. The land is no longer needed for its intended purpose.

It is noted that the proposal contains an assessment of this Direction, however it has been incorrectly identified and referred to under Direction 6.1 Approval and Referral Requirements. The Gateway determination recommends that the planning proposal is updated to correct this reference.

SUTHERLAND SHIRE COUNCIL COMMUNITY STRATEGIC PLAN ' OUR SHIRE, OUR FUTURE'

This plan provides the long term vision for the local community whilst creating a set of

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desired future outcomes for the Sutherland Shire. The plan divides these outcomes into three domains – live, work and enjoy. The proposal states that it is consistent with this plan as it will allow the continuation of the business currently situated on the site and would provide certainty regarding the future use of the sites for employment and business uses.

The Department agrees that the proposal is consistent with the local strategic plan.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The mapping provided clearly illustrates existing planning controls as well as the requested development controls.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has recommended exhibition of the proposal for 28 days. This is considered appropriate.

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 : **Yes, the proposal is considered adequate and sufficient detail has been provided.**

Proposal Assessment

Principal LEP:

Due Date : **June 2015**

Comments in relation to Principal LEP : **The Sutherland Shire Local Environmental Plan 2015 was notified on 23 June 2015.**

Assessment Criteria

Need for planning proposal :	The subject sites were previously identified to allow the construction of Stage 6 Woollooware Bay Cycleway. However, Council adopted an alternative cycleway path that takes most of the cycle link over water and avoids the need to acquire the lots on which businesses currently operate. The rezoning and removal of the land acquisition status is now required to assist in facilitating the early delivery of an important element of community infrastructure, whilst giving certainty to the businesses operating from the sites.
Consistency with strategic planning framework :	This planning proposal is generally consistent with A Plan for Growing Sydney and the Draft South District Plan. The planning proposal is largely administrative and does not propose any changes to the strategic direction of the Sutherland Shire Local Environmental Plan 2015.
Environmental social economic impacts :	Any flora and fauna on site is protected through the SSLEP2015 Clause 6.5 Environmentally Sensitive Land – Biodiversity and Clause 6.7 Environmentally Sensitive Land – Riparian Land and Watercourse which requires consideration of potential impacts

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on native flora and fauna through the development assessment process. The entirety of the subject site is within the Foreshore Area under the SSLEP2015 and any future development of the land would be restricted.

The planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or ecological communities and their habitats as there are no proposed building works associated with the rezoning. The subject site is already developed and occupied by existing businesses with associated buildings and parking.

The proposal is generally minor and is unlikely to create any adverse social or economic impacts. The proposed rezoning will remove Council's legal obligation to purchase lands.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage Office of Environment and Heritage - NSW National Parks and Wildlife Service		

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. :

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
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal 1A and 1-13 Atkinson Road, Taren Point.pdf	Proposal	Yes
Attachment 1 Council Report.pdf	Proposal	Yes

Planning Team Recommendation

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

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S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information :

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

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) include a plain English explanation of the intent of the planning proposal;
 - (b) include a discussion on how the proposed rezoning is consistent with the draft South District Plan and A Plan for Growing Sydney;
 - (c) include a discussion regarding how the proposal is consistent with the draft Coastal Reforms SEPP; and
 - (d) correct the reference to Section 117 Direction 6.2 – Reserving Land for Public Purposes.
2. The planning proposal must be made publicly available for a minimum of 28 days.
3. Consultation is required with the Office of Environment and Heritage
4. A public hearing is not required under 56(2)(e).
5. The timeframe for completing the LEP is to be 12 months.

Supporting Reasons :

- The planning proposal is supported as it:
- ensures the zoning and development standards reflect the existing use of the land;
 - will remove Council's obligation to purchase land surplus to requirements; and
 - gives certainty to the business operating from the land.

Signature:



Printed Name:

MARTIN COOPER

Date:

10/02/2017

