



PLANNING PROPOSAL

**Sutherland Shire Local Environmental Plan 2015
1a Atkinson Road, Taren Point (Lot 1 DP 551751) and
1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751)**

File Reference: (2016/240442)

Draft Amendment- Rezoning

January 2017

www.sutherland.nsw.gov.au

Sutherland Shire Council

Planning Proposal – Section 55 of the Environmental and Assessment Act 1979

Local Government Area

Sutherland Shire Council

Name of Planning Proposal

Sutherland Shire Local Environmental Plan 2015 Amendment – 1A and 1-13 Atkinson Road, Taren Point

Land Affected and Proposed Changes

- 1A Atkinson Road, Taren Point (Lot 1 DP 551751)
 - Rezone approximately 1836m² from RE1 Public Recreation to B7 Business Park
 - Apply development standards to the land to be zoned B7 – maximum FSR 1.5:1; minimum lot size 1Ha; maximum height of buildings 16m and minimum 10% landscape area
 - Remove the Land Reservation Acquisition status; Local open space (RE1)

- 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751)
 - Rezone approximately 1386m² from RE1 Public Recreation to B7 Business Park
 - Apply development standards to the land to be zoned B7 – maximum FSR 1.5:1; minimum lot size 1Ha; maximum height of buildings 16m and minimum 10% landscape area
 - Remove the Land Reservation Acquisition status; Local open space (RE1)

The rezoning has been brought about by an alternative design which will facilitate the early completion of Stage 6 - Woollooware Bay Cycleway by Sutherland Shire Council.



Figure 1: Subject Site Locality Plan - Aerial photo 2015



Figure 2: Site Plan 1A Atkinson Rd (Lot 1 DP 551751) - 1836sq.m. to be zoned B7 and 1-13 Atkinson Rd (Part Lot 2 DP 551751) – 1386m² to be zoned B7 Business Park

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend Sutherland Shire Local Environmental Plan 2015 to rezone 1A Atkinson Road, Taren Point (Lot 1 DP 551751) and part of 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751) from RE1 Public Recreation to B7 Business Park and removal of the Land Reservation Acquisition status (Local Open Space- RE1). The associated development standards are to be applied. This will regularise the zoning across 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751) as B7 Business Park. Council has a long standing commitment to provide a cycleway around Woollooware Bay which will ultimately connect with the Botany Bay Cycleway. With the redevelopment of the Sharks Leagues Club site nearing completing, the Atkinson Road section is the only remaining missing link. The privately owned properties at 1A Atkinson Road, Taren Point (Lot 1 DP 551751) and 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751) were originally identified for acquisition in order to construct Stage 6 of the Woollooware Bay cycleway. However, these properties have proven difficult to acquire due to the viable businesses operating on the land.

In trying to resolve the constraints of the site, Council Officers have found that acquisition of these properties is no longer the best way to realise the cycleway project. An alternative solution has been found that takes most of the cycle link over water and avoids acquiring the lots on which businesses currently operate. This alternative is a design-led planning solution that will enhance the future use of the area, while preserving the jobs created by the existing businesses on the original site.

The preferred design solution will be more expensive to construct, but will enhance the experience for the user. The rezoning of the land from RE1 Public Recreation to B7 Business Park, and removal of the Land Reservation Acquisition status (Local Open Space -RE1), will remove Council's obligation to purchase the land. This will allow the funds held to purchase the land to be used to offset the additional construction costs. Ultimately this solution will bring forward the completion of the entire cycleway, realising an important recreational asset for the community

PART 2 - EXPLANATION OF THE PROVISIONS

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

LEP Provision	Amendment
Floor Space Ratio Map (Sheet FSR_006)	Amend Floor Space Ratio Map (Sheet FSR_006) for 1A and 1-13 Atkinson Road, Taren Point (Lot 1 DP 551751 and part Lot 2 DP 551751) with the application of – maximum FSR 1.5:1 in accordance with the proposed Floor Space Ratio Map in Part 4 of this report.
Height of Buildings Map (Sheet HOB_006)	Amend Height of Buildings Map (Sheet HOB_006) for 1A and 1-13 Atkinson Road, Taren Point (Lot 1 DP 551751 part Lot 2 DP 551751) with the application of – maximum 16m in accordance with the proposed Height of Buildings Map in Part 4 of this report.
Landscape Area Map (Sheet LSA_006)	Amend Landscape Area Map (Sheet LSA_006) for 1A and 1-13 Atkinson Road, Taren Point (Lot 1 DP 551751 and part Lot 2 DP 551751) with the application of – minimum 10% landscape area in accordance with the proposed Landscape Area Map in Part 4 of this report.
Land Reservation Acquisition Map (Sheet LRA_006)	Amend Land Reservation Map (Sheet LRA_006) for 1A and 1-13 Atkinson Road, Taren Point (Lot 1 DP 551751 and part Lot 2 DP 551751) with the removal of – the land reservation acquisition status; Local open space (RE1) with the proposed Land Reservation Map in Part 4 of this report.
Lot Size Map (Sheet LSZ_006)	Amend Lot Size Map (Sheet LSZ_006) for 1A and 1-13 Atkinson Road, Taren Point (Lot 1 DP 551751 and part Lot 2 DP 551751) with the application of – minimum 1 Ha in accordance with the proposed Lot Size Map in Part 4 of this report.
Land Zoning Map (Sheet LZN_006)	Amend Land Zoning Map (Sheet LZN_006) for 1A and 1-13 Atkinson Road, Taren Point (Lot 1 DP 551751 and part Lot 2 DP 551751)) with the application of zone B7 Business park in accordance with the proposing Zoning Map in Part 4 of this report.

The rezoning of each land lot from RE1 Public Recreation to B7 Business Park, and the removal of the Land Reservation Acquisition status will enable the construction of Stage 6 - Woollooware Bay Cycleway. The matters included in the planning proposal are the result of council resolutions in response to strategic planning and reports prepared by council staff.

PART 3 - JUSTIFICATION

Section A –The need for the Planning Proposal

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

No. The rezoning is a minor change from RE1 Public Recreation to B7 Business Park, and the removal of the Land Reservation Acquisition status. The privately owned land at 1A Atkinson Road, Taren Point (Lot 1 DP 551751) and 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751) require rezoning to allow the construction of Stage 6 Woollooware Bay Cycleway. At its meeting on 19 December 2016, Council resolved to endorse the rezoning and removal of the land acquisition status of privately owned land at 1A Atkinson Road, Taren Point (Lot 1 DP 551751) and 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751) in order to facilitate the early delivery of the cycleway.

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

Yes. A rezoning and removal of the land acquisition status is required to give certainty to the business operating from the land while facilitating the early delivery of an important element of community infrastructure. Rezoning and removal of the land acquisition status on 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, in relation to the rezoning and removal of the land acquisition status of 1A Atkinson Road, Taren Point (Lot 1 DP 551751) and 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751) all interests are to remain.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or 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 3– A great place to live with communities that are strong, healthy and well connected
 - o Direction 3.1 – Revitalise existing suburbs
 - Action 3.1.1 – Support urban renewal by directing local infrastructure to centres where there is growth

The Planning Proposal is consistent with this goal. The locality is experiencing very significant local growth with the creation of a new centre and over 500 dwellings as part of the Sharks Leagues Club redevelopment. Along with the cycleway being constructed as part of that development, Stage 6 will complete Woollooware Bay Cycleway. This cycleway will enhance the community connections with the natural features of the Bay while providing a new link between neighbouring suburbs, active transport links to the new centre, and seamlessly add to the Homebush Bay to Botany Bay Cycleway.

- o Direction 3.2 – Create a network of interlinked , multipurpose open spaces across Sydney.
 - Action 3.2.1 – Deliver the Sydney Green Grid Project
 - Action 3.2.2 Investigate options for bushland renewal program

The realisation of Stage 6 of the Woollooware Bay Cycleway will successfully deliver an interlinked, multipurpose open space corridor. It will expand Shorebird Reserve at Taren Point to bring users into closer contact with the natural environment and the oyster farming heritage of the locality. The creation of a bird hide and the restoration of significant local ecological communities are integral to the project. The project will also provide the opportunity for active transport to a new centre as it opens, while also

Draft South District Plan – November 2016: The draft South District Plan 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 South District, guiding government investment and linking local and state planning issues.

The following South District Plan Priorities are relevant to the subject rezoning:

- 3.5 Managing employment and urban services land across the District:
- 3.7 Growing the District’s tourism economy
- 4.6 Create great places in the South District
- 5.1 The South District’s environment
- 5.2 Enhancing the South District in its landscape
- 5.3 Protecting the District’s waterways
- 5.5 Protecting and enhancing biodiversity
- 5.6 Delivering Sydney’s Green Grid

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

The following South District Plan Actions are relevant to the subject rezoning:

- L10: Provide design-led planning to support high quality urban design
- S3: Use funding programs to deliver the South District Green Grid priorities

The following South District Plan Principles are relevant to the subject rezoning:

- Principle 1: Connecting centres with a networked transport system

The Planning Proposal seeks to facilitate the construction of Stage 6 of the Woollooware Bay cycleway; by rezoning land currently zoned as RE1 Public Recreation to B7 Business Park, and removing the land reservation acquisition status on the land. This will remove the council's legal obligation to acquire the two properties, and allow for the development of the revised Stage 6 Woollooware cycleway. The new route proposed by Council is a superior, design led solution that will build the green grid network within the Sutherland Shire and beyond, while providing minimal impacts on biodiversity. The cycleway will provide an improved cycle link, and pedestrian connection within the suburb, and beyond to the Botany Bay Cycleway, and provide access to Cronulla and Kurnell. This cycleway will provide opportunities for leisure, adventure and tourism activities and natural experiences, thus promoting a healthy, liveable environment. Accordingly, the Planning Proposal is consistent with A Plan for Growing Sydney and the Draft South District Plan.

The B7 Business Park zoning allows the continuation of the business currently situated on the site, hence contributing both to the overall concentration of businesses in the area and maintaining a place of mixed enterprises.

5. 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. 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 directions, objectives and actions are supported by the subject rezoning:

- *Diverse, local jobs – Infrastructure, technology and support for local economic and employment opportunities enable residents to a work/life balance*
- *Balanced development- The negative impacts of development on the environment people and economy are minimised*

In addition, by rezoning the land and allowing the development of the alternative route for Stage 6 – Woollooware Bay Cycleway, the following directions, objectives and actions are also satisfied:

- *Connected and involved community – Physical and social links between the Shire and other areas*

- *Diverse leisure opportunities – Leisure infrastructure, services and programs which support people's interests*

The Planning Proposal is consistent with the Strategy as it will facilitate the orderly development of land for balanced community development whilst preserving the extent of land available for employments activity.

6. 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 is not inconsistent with any of the SEPPs.

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 bush land 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.

The rezoning does not jeopardize trees or bushland on the land to be rezone. The proposed cycleway is located within a sensitive natural area. The design has been carefully managed to deliver improved biodiversity outcomes.

7. 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 objective of this direction is to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.

The subject site is located within an established business area with existing businesses located on the land. The planning proposal seeks to rezone 1A Atkinson Road, Taren Point (Lot 1 DP 551751) and part 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751) to B7 Business Park, which retains the capacity of the land as an existing employment area, and hence, the Planning Proposal is consistent with the direction.

- **Direction 2.1 Environment Protection Zones**
The objective of this direction is to protect and conserve environmentally sensitive areas. The Planning Proposal is generally consistent with this objective as the land is subject to the provisions of SSLEP2015 clause 6.5 Environmentally Sensitive Land – Biodiversity and Clause 6.7 Environmentally Sensitive Land – Riparian Land and Watercourse.

- Direction 4.1 Acid Sulfate Soils

The land at 1A Atkinson Road, Taren Point and part 1-13 Atkinson Road, Taren Point has Class 2 and Class 3 acid sulfate soils. The direction requires an acid sulfate soils study to be prepared if the planning proposal requires an intensification of land uses.

No development is proposed for the land. Any future development proposals would include consideration of the acid sulfate soils prior to consent being issued. It is therefore considered that the Planning Proposal is consistent with the direction.

- Direction 4.3 Flood Prone Land

The subject sites are potentially located within Flood Prone Land. The Planning Proposal is consistent with the direction as the existing business located on the site are maintained, and the objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Planning Guidelines. Any future development on the site would be subject to detailed assessment and consideration.

- Direction 6.1 Reserving Land for Public Purposes:

The Planning Proposal seeks to rezone 1A and 1-13 Atkinson Road, Taren Point from RE1 Public recreation to B7 Business Park. This proposal seeks to remove the land reservation acquisition status currently on the land; Local open space (RE1). The Local Planning Directions also require the approval of the Secretary of NSW Planning and Environment for the removal of the reservation. Such approval is sought on the basis that there will be no loss to public recreation, and the rezoning will retain existing businesses currently in operation on the land.

The land was originally set aside for the construction of Stage 6 – Woollooware Bay Cycleway. Acquisition has not been possible due to the viability of the existing businesses operating on the land. Council has found a superior, design led solution with a new route that will bypass both sites, and thus remove the need for acquisition. The proposed new route is designed as a boardwalk experience with an emphasis on environmentally sensitive design (See Appendix A: Woollooware Bay Cycleway Plan Revised). This cycleway alternative is superior in that it will retain the existing businesses, it will provide an enhanced pedestrian and cyclist experience, and will provide a stronger link to the natural environment.

Furthermore, this proposal is consistent with the District Planning values of maintaining local employment and urban services across the district; by supporting local economic and employment opportunities and balanced development that minimises negative impacts on the economy (For further information refer to Section B-1, 2).

- 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 1A Atkinson Road, Taren Point and part 1-13 Atkinson Road, Taren Point will result in the application of the relevant development standards for the B7 Business Park to the sites. Although this introduces new development controls to the land, this is not inconsistent with the objective of this direction as it will not introduce restrictive site specific planning controls, or impose additional development standard/ requirements to those already applied to the zone.
- 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 rezoning 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

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

No, the land that is subject to the Planning Proposal is already developed and occupied by existing businesses with associated buildings and parking. The subject area does contain some light vegetation on the boundary, but it is not considered significant. Therefore, the Planning Proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or ecological communities and their habitats.

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 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.

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

No, the proposed changes are administrative in nature and unlikely to result in any environmental effects. Should any development application be received based on the proposed zoning, it would be subject to a detailed assessment where the environmental effects would be given significant consideration.

10. Has the planning proposal adequately addressed any social and economic effects?

Yes, the proposal is generally minor and is unlikely to create any adverse social or economic impacts. The proposed rezoning however will remove Council's legal obligation to purchase the reserved lands and will allow Council to use the funds held for the purchase for the additional works needed to realise Stage 6 of the cycleway. This will allow the missing link in the cycleway to be delivered quickly, which is consistent with the best practice use of Section 94 funds.

Section D – State and Commonwealth Interests

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

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

ii. 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.

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

Yes – All State Environmental Planning Policies which apply to the land are identified below, with those relevant to the proposal noted and their consistency detailed.

PART 4 – MAPS

Floor Space Ratio Map

1A Atkinson Road Taren Point (Lot 1 DP 551751)

1-13 Atkinson Road Taren Point (part Lot 2 DP 551751)

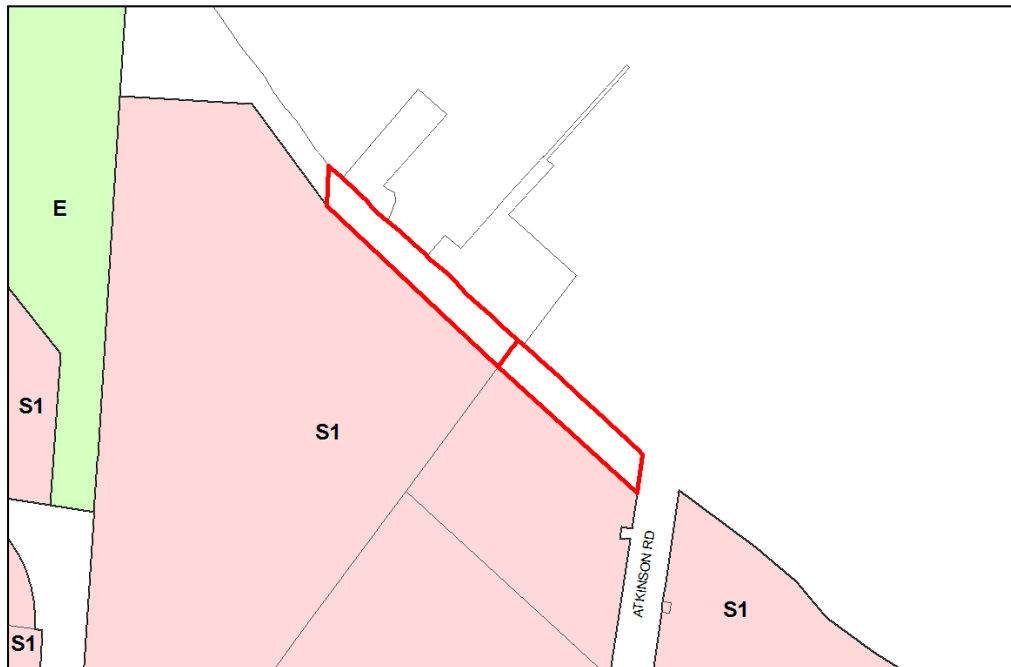


Figure 3: Current Floor Space Ratio - NA

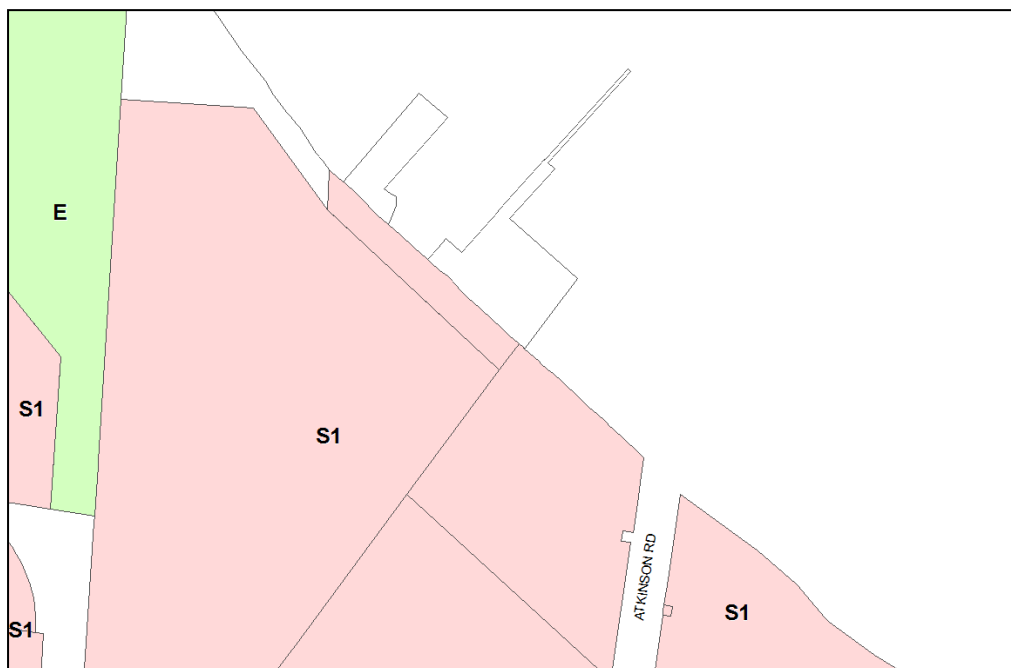


Figure 4: Proposed Floor Space Ratio – 1.5:1 (S1, consistent with zone – B7 Business Park)

Height of Buildings Map

1A Atkinson Road Taren Point (Lot 1 DP 551751)

1-13 Atkinson Road Taren Point (part Lot 2 DP 551751)

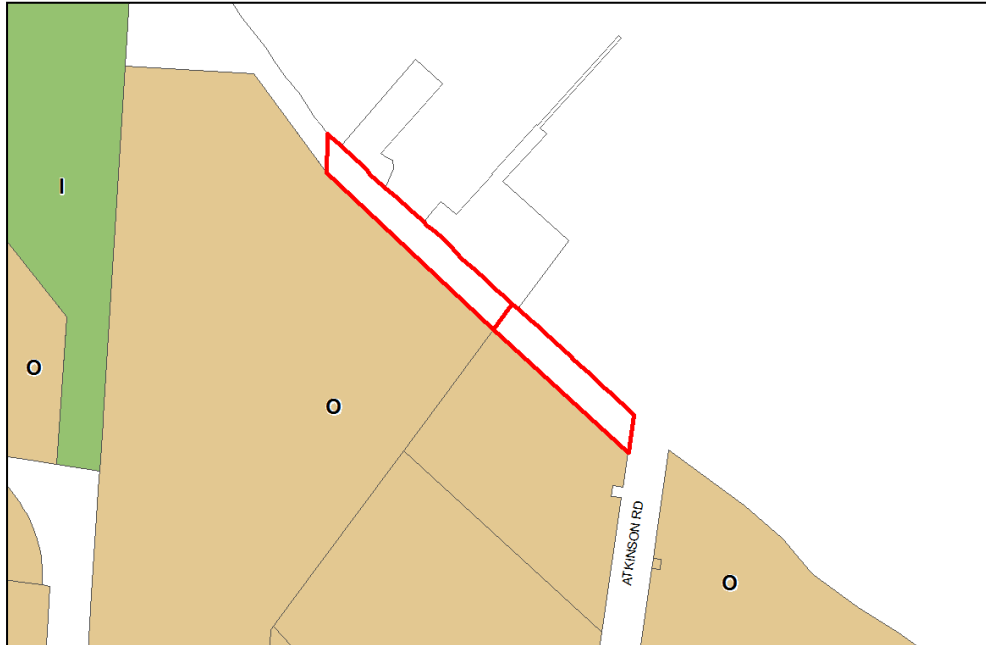


Figure 5: Current Height of Buildings – N/A

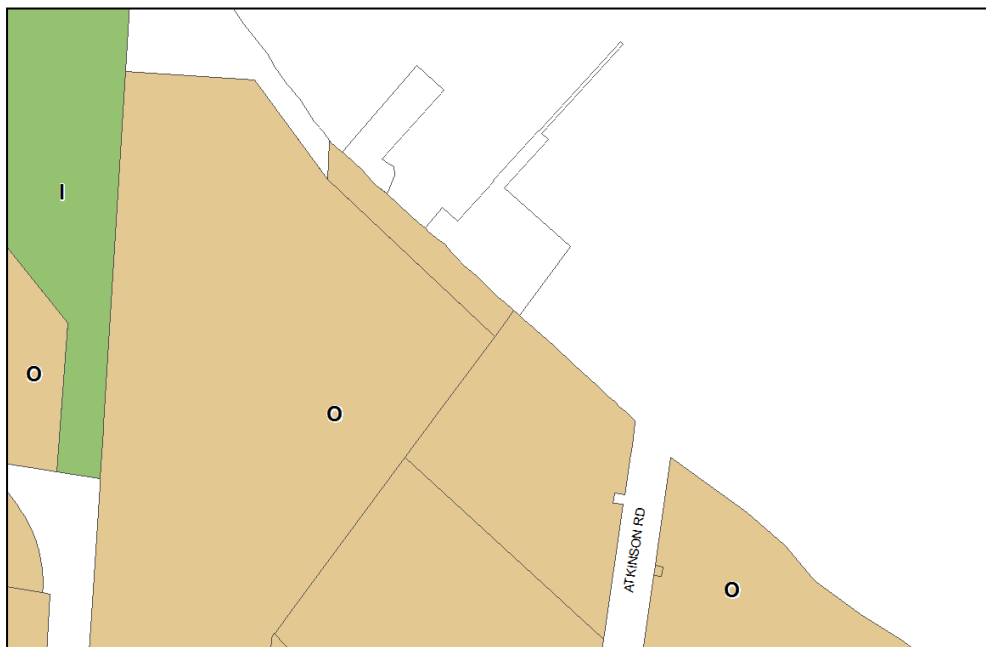


Figure 6: Proposed Height of Buildings – 20m (O, consistent with zone – B7 Business Park)

Landscape Area Map

1A Atkinson Road Taren Point (Lot 1 DP 551751)

1-13 Atkinson Road Taren Point (part Lot 2 DP 551751)

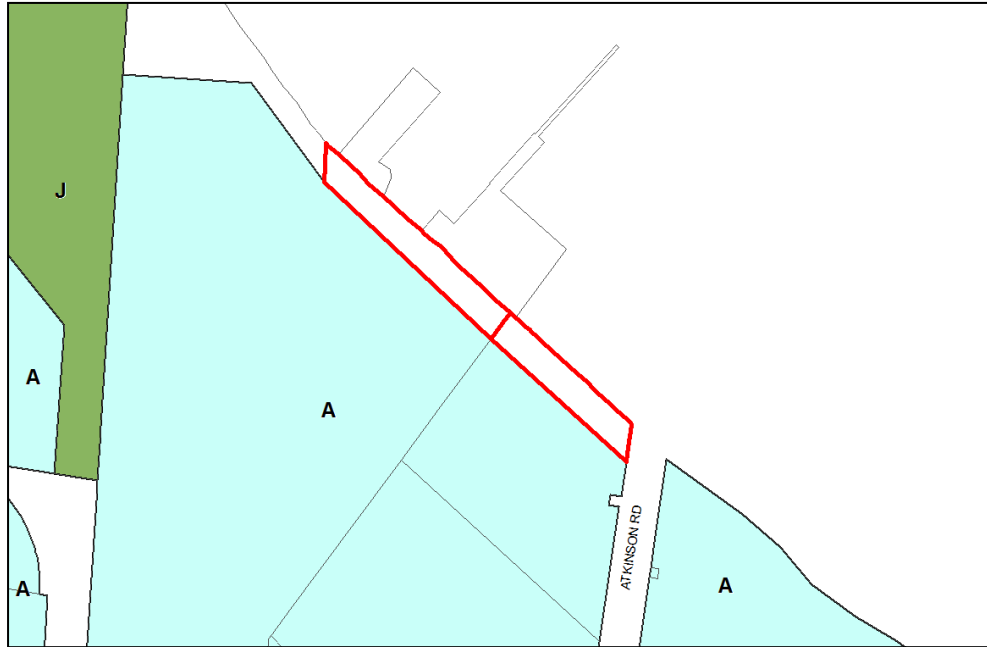


Figure 7: Current Landscape Area - N/A

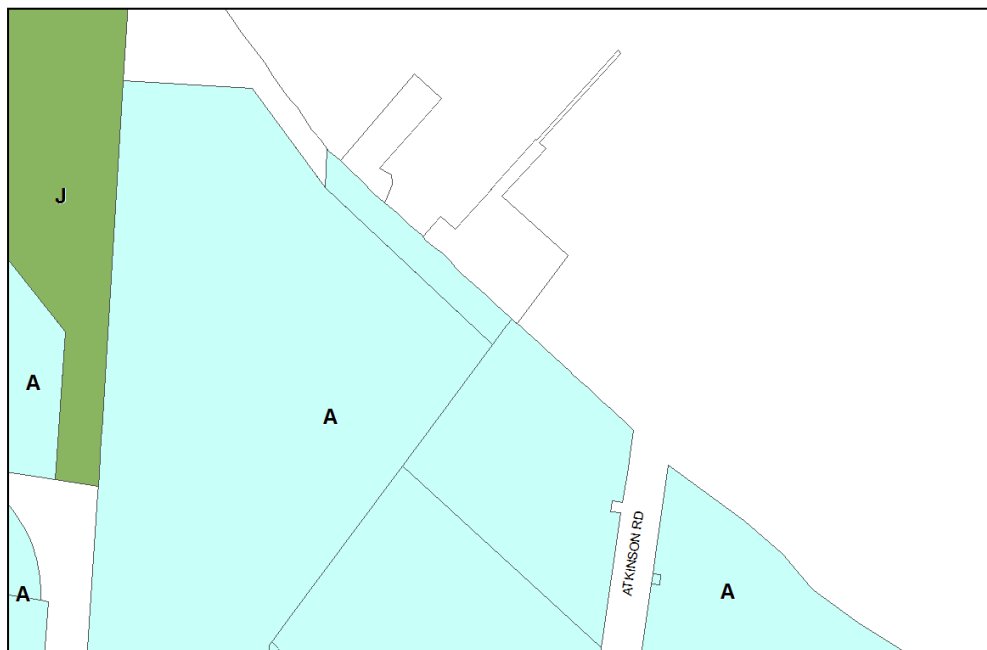


Figure 8: Proposed Landscape Area – 10% (A, Consistent with zone- B7 Business Park)

Land Reservation Acquisition

1A Atkinson Road Taren Point (Lot 1 DP 551751)

1-13 Atkinson Road Taren Point (part Lot 2 DP 551751)

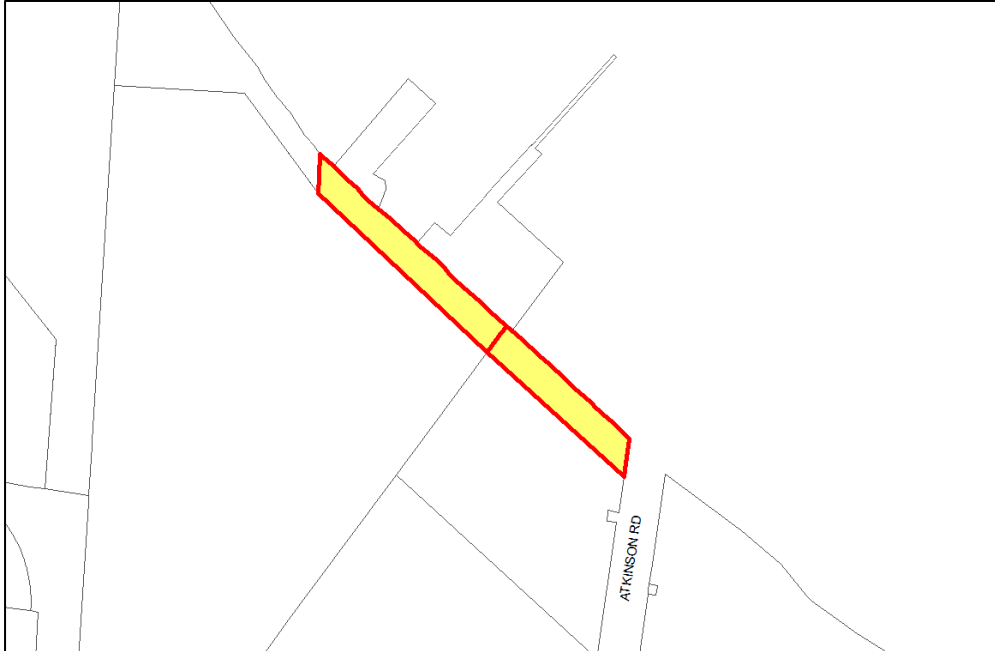


Figure 9: Current Reservation Acquisition Area

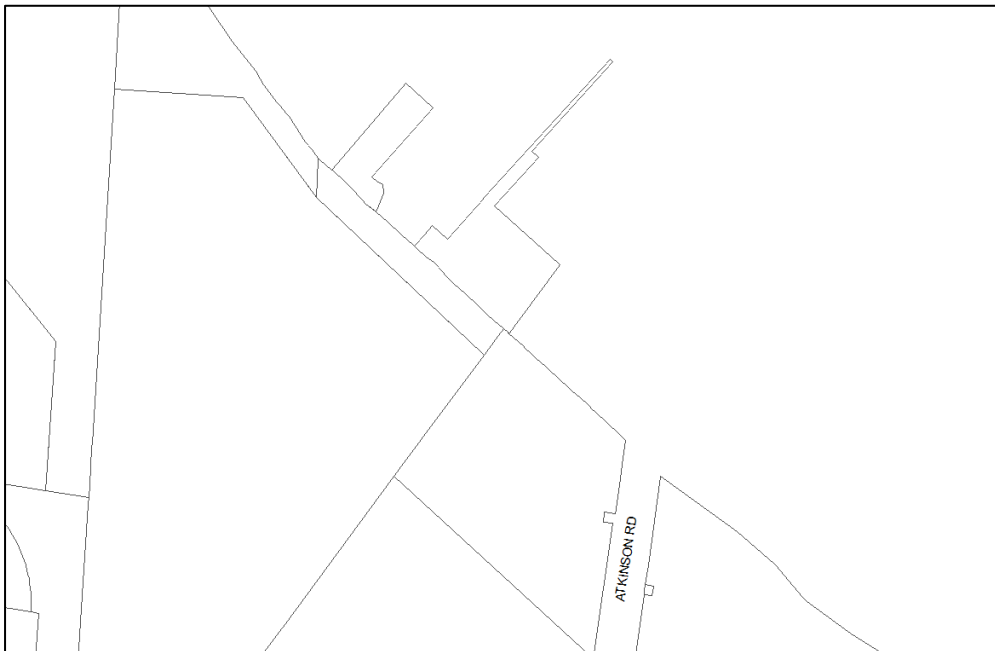


Figure 10: Proposed Reservation Acquisition Area

Lot Size Map

1A Atkinson Road Taren Point (Lot 1 DP 551751)

1-13 Atkinson Road Taren Point (part Lot 2 DP 551751)

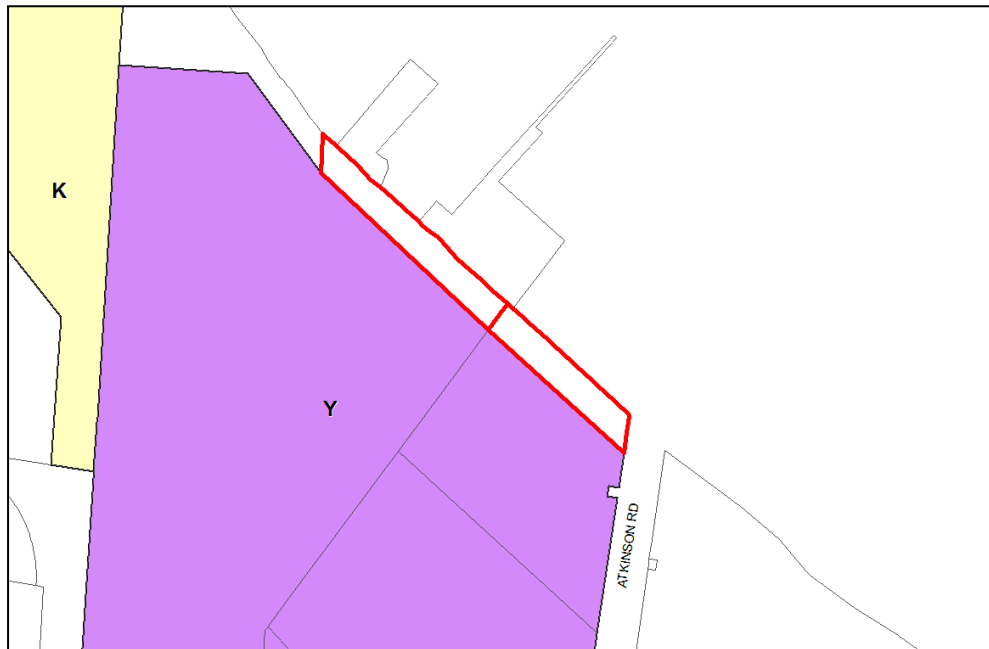


Figure 311: Current Lot Size – N/A

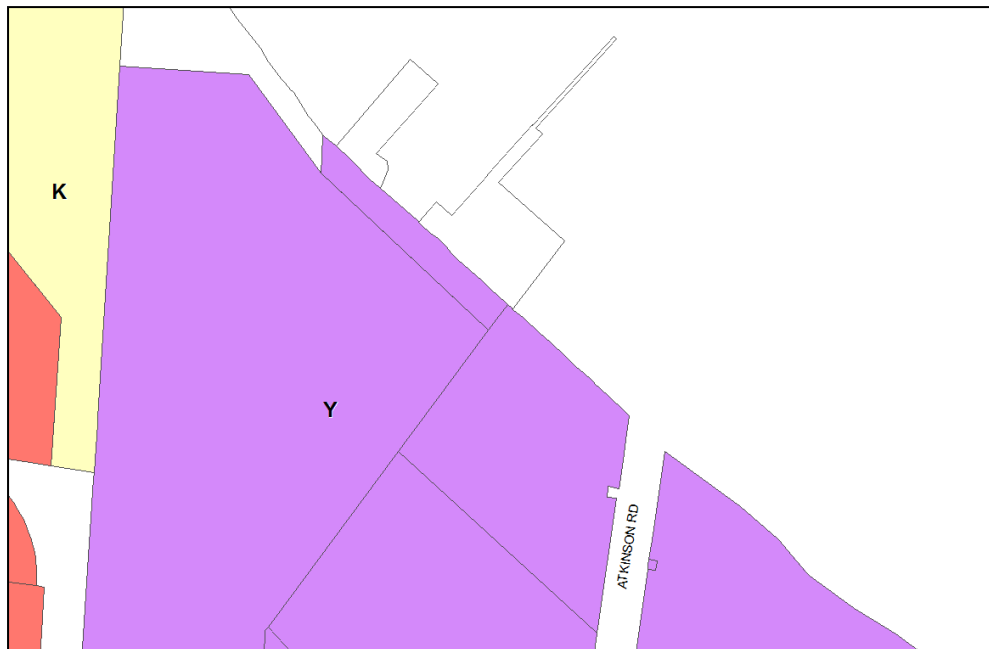


Figure 142: Proposed Lot Size – 1 Ha (Y, consistent with zone – B7 Business Park)

Land Zoning Map

1A Atkinson Road Taren Point (Lot 1 DP 551751)

1-13 Atkinson Road Taren Point (part Lot 2 DP 551751)



Figure 13: Current Zone – RE1 Public Recreation

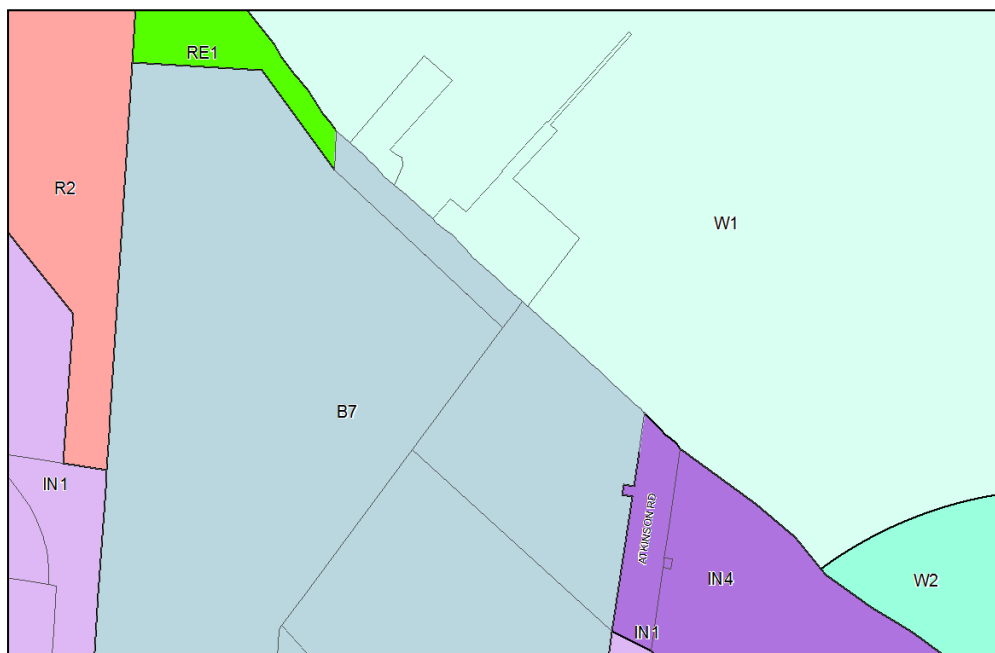


Figure 14: Proposed zone B7 Business Park

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**.

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 and The Liverpool City 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. Opportunities for one-on-one consultations to discuss the proposals will be offered to interested parties.

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.

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	February 2017
2. Exhibition Start	March 2017
3. End Exhibition	April 2017
4. Review and Consideration of submissions	May/ June 2017
5. Report to Committee on submissions	June 2017
6. Council Meeting	July 2017
7. Request for draft instrument to be prepared	August 2017

PART 7 – CONCLUSION

The Planning Proposal seeks the rezoning of:

- 1A Atkinson Road Taren Point (Lot 1 DP 551751)
 - Rezone approximately 1836m² from RE1 Public Recreation to B7 Business Park
 - Apply development standards to the land to be zoned B7 – maximum FSR 1.5:1; minimum lot size 1Ha; maximum height of buildings 16m and minimum 10% landscape area
 - Remove the Land Reservation Acquisition status; Local open space (RE1)
- 1-13 Atkinson Road Taren Point (part Lot 2 DP 551751)
 - Rezone approximately 1386m² from RE1 Public Recreation to B7 Business Park
 - Apply development standards to the land to be zoned B7 – maximum FSR 1.5:1; minimum lot size 1Ha; maximum height of buildings 16m and minimum 10% landscape area
 - Remove the Land Reservation Acquisition status; Local open space (RE1)

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 - Information Checklist



STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

- | | |
|--|---|
| <ul style="list-style-type: none">• Objectives and intended outcome• Mapping (including current and proposed zones)• Community consultation (agencies to be consulted) | <ul style="list-style-type: none">• Explanation of provisions• Justification and process for implementation (including compliance assessment against relevant section 117 direction/s) |
|--|---|



STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
Strategic Planning Context			- Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining) - Sea level rise	☒	☐
- Demonstrated consistency with relevant Regional Strategy - Demonstrated consistency with relevant Sub-Regional strategy - Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy - Demonstrated consistency with Threshold Sustainability Criteria	☐	☒			
	☐	☒	Urban Design Considerations		
	☒	☐	- Existing site plan (buildings, vegetation, roads, etc) - Building mass/block diagram study (changes in building height and FSR) - Lighting impact - Development yield analysis (potential yield of lots, houses, employment generation)	☐	☒
	☐	☒		☐	☒
Site Description/Context			Economic Considerations		
- Aerial photographs - Site photos/photomontage	☒	☐	- Economic impact assessment - Retail centres hierarchy - Employment land	☐	☒
	☒	☐		☐	☒
Traffic and Transport Considerations			Social and Cultural Considerations		
- Local traffic and transport - TMAP - Public transport - Cycle and pedestrian movement	☐	☒	- Heritage impact - Aboriginal archaeology - Open space management - European archaeology - Social & cultural impacts - Stakeholder engagement	☐	☒
	☐	☒		☐	☒
	☐	☒		☐	☒
	☒	☐		☐	☒
	☒	☐		☐	☒
Environmental Considerations			Infrastructure Considerations		
- Bushfire hazard - Acid Sulphate Soil - Noise impact - Flora and/or fauna - Soil stability, erosion, sediment, landslip assessment, and subsidence - Water quality - Stormwater management - Flooding - Land/site contamination (SEPP55)	☐	☒	Infrastructure servicing and potential funding arrangements	☐	☒
	☒	☐	Miscellaneous/Additional Considerations		
	☒	☐	<i>List any additional studies</i>		
	☒	☐			

Appendix 2 – 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?
SEPP No. 19 - Bushland in Urban Areas	Yes	The planning proposal is consistent with this policy. Further the site is protected through the LEP Environmentally Sensitive Land – Biodiversity and Environmentally Sensitive Land – Riparian Lands and Water provisions that would require further consideration of potential impacts through development assessment.
SEPP No. 21 - Caravan Parks	N/A	
SEPP No. 30 - Intensive Agriculture	N/A	
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal is consistent with this policy.
SEPP No. 33 - Hazardous and Offensive Development	N/A	
SEPP No. 39 - Spit Island Bird Habitat	N/A	
SEPP No. 50 – Canal Estates	N/A	
SEPP No. 55 – Remediation of Land	Yes	The planning proposal is consistent with this policy. The land to be rezoned to B7 Business Park is currently zoned RE1 Public Recreation. The land has not been identified as contaminated, nor has it been identified by Council as having potential for contamination based on review of previous uses.
SEPP No. 62 – Sustainable Aquaculture	N/A	

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
SEPP No. 64 - Advertising and Signage	N/A	
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	
SEPP (Affordable Rental Housing) 2009	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal is consistent with this policy.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal is consistent with this policy.
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	
SEPP (Infrastructure) 2007	Yes	The planning proposal is consistent with this policy.
SEPP (Major Development) 2005	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
SEPP (Miscellaneous Consent Provisions) 2007	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?
Greater Metropolitan REP No. 2 - Georges River Catchment	N/A	
REP No. 9- Extractive Industry (No. 2)	N/A	

Appendix 3 – 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?
1. Employment and Resources		
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Yes	Consistent, the Planning Proposal supports the continuation of existing businesses on the land.
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	N/A	
1.3 Mining, Petroleum Production and Extractive Industries The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	
1.4 Oyster Aquaculture The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	N/A	
1.5 Rural Lands The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
Environment and Heritage		
2.1 Environment Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes	Consistent, there will be no change in the protection or conservation of environmentally sensitive areas as a consequence of this Planning Proposal.
2.2 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.	N/A	
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	N/A	
2.4 Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	
Housing, Infrastructure and Urban Development		
3.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	N/A	
3.2 Caravan Parks and Manufactured Home Estates The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	N/A	
3.3 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	N/A	
3.4 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
(d) distances travelled, especially by car, and supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.		
3.5 Development Near Licensed Aerodromes The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	N/A	
3.6 Shooting Ranges The objectives of the planning direction are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range	N/A	
Hazard and Risk		
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Yes	Consistent, the subject land is mapped as Class 2 and Class 3 Acid Sulfate Soils. Due to the minor significance of the Planning Proposal, it is not considered necessary to prepare an Acid Sulfate Soils Study.
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land The objectives of this direction are: a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	N/A	
4.4 Planning for Bushfire Protection The objectives of this direction are: a) to protect life, property and the environment from bush fire hazards, by discouraging the	N/A	

establishment of incompatible land uses in bush fire prone areas, and b) to encourage sound management of bush fire prone areas.		
Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments The objective of this Direction is to protect water quality in the Sydney drinking water catchment.	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Second Sydney Airport: Badgerys Creek	N/A	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
5.9 North West Rail Link Corridor Strategy	N/A	
5.10 Implementation of Regional Plans	N/A	
Local Plan Making		
6.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Yes	The Planning Proposal seeks to rezone 1A and 1-13 Atkinson Road, Taren Point from RE1 Public recreation to B7 Business Park. This proposal seeks to remove the land reservation acquisition status currently on the land; Local open space (RE1). The Local Planning Directions also require the approval of the Secretary of NSW Planning and Environment for such removal of reservation. Such approval is sought on the basis that there will be no loss to public recreation, and the rezoning will retain existing businesses currently in operation on the land.
6.2 Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A	
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	Consistent, while the planning proposal relates to a specific site, it adopts an existing zone and does not prescribe any site specific controls.
Metropolitan Planning		
7.1 Implementation of 'A plan for Growing Sydney' The objective of this direction is to give legal effect to the planning principles, directions, and priorities for the subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Yes	Consistent, as the Planning Proposal aligns with the vision, land use strategy, goals, directions and actions contained in 'A plan for Growing Sydney'.

7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	
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ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Sutherland Shire Council

Name of draft LEP: Sutherland Shire Local Environmental Plan Amendment - 1A Atkinson Road, Taren Point and 1-13 Atkinson Road, Taren Point

Address of Land (if applicable): 1A Atkinson Road, Taren Point (Lot 1 DP 551571) and 1-13 Atkinson Road, Taren Point (part Lot 2 DP 551751)

Intent of draft LEP: The rezoning of each land lot from RE1 Public Recreation to B7 Business Park, and the removal of the Land Reservation Acquisition status will enable the construction of Stage 6 - Woollooware Bay Cycleway. The matters included in the planning proposal are the result of council resolutions in response to strategic planning and reports prepared by council staff

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		Not relevant		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Not relevant		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		Not relevant		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Not Relevant		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not Relevant		
Is the planning proposal proposed to rectify an anomaly in a classification?		Not Relevant		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not Relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Not Relevant		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Not Relevant		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Not Relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not Relevant		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	Y			

Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		Not Relevant		

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.