

Planning and Assessment

IRF19/5988

Gateway determination report

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| LGA | Sutherland Shire |
| PPA | Sutherland Shire Council |
| NAME | Wattlebird Bushland Reserve |
| NUMBER | PP 2019 SUTHE 007 00 |
| LEP TO BE AMENDED | Sutherland Shire Local Environmental Plan 2015 |
| ADDRESS | 153R Gannons Road Caringbah South 2229 |
| DESCRIPTION | Lot 1 DP 1248818 |
| RECEIVED | 30 July 2019 Additional information received on 15 August 2019 |
| FILE NO. | IRF19/5988 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal |

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal relates to land at 153R Gannons Road, Caringbah South and seeks to amend the Sutherland Shire Local Environmental Plan 2015 in the following manner:

- rezone the land from Zone R2 Low Density Residential to Zone E2 Environmental Conservation; and
- remove the land from the Height of Buildings, Floor Space Ratio, Landscaped Area and Lot Size maps.

The purpose of the planning proposal is to enlarge the existing adjoining public reserve known as Wattlebird Bushland Reserve with the addition of the subject Council owned land.

1.2 Site description

The subject site is legally described as Lot 1 in DP 1248818 and has an area of approximately 800sqm (**Figure 1**, next page). The site is heavily vegetated and formed the rear part of 153 Gannons Road until recently.

The dwelling house of 153 Gannons Road is located on the front portion of land which was not acquired by Council. As such, the site does not have a street frontage.



Figure 1: Subject site aerial (Nearmap)

1.3 Existing planning controls

Under Sutherland Shire Local Environmental Plan 2015 (SS LEP 2015), the site is within Zone R2 Low Density Residential (**Figure 2**).

A maximum height of 8.5m is shown for the land on the Height of Buildings Map (**Figure 3**), and a maximum floor space ratio of 0.55:1 is shown on the Floor Space Ratio Map (**Figure 4**).

A minimum landscaped area of 35% is shown on the Landscape Area Map (**Figure 5**) and a minimum lot size of 550sqm is shown on the Minimum Lot Size Map (**Figure 6**).

The site is not identified as an item of environmental heritage, nor is it located within a heritage conservation area.

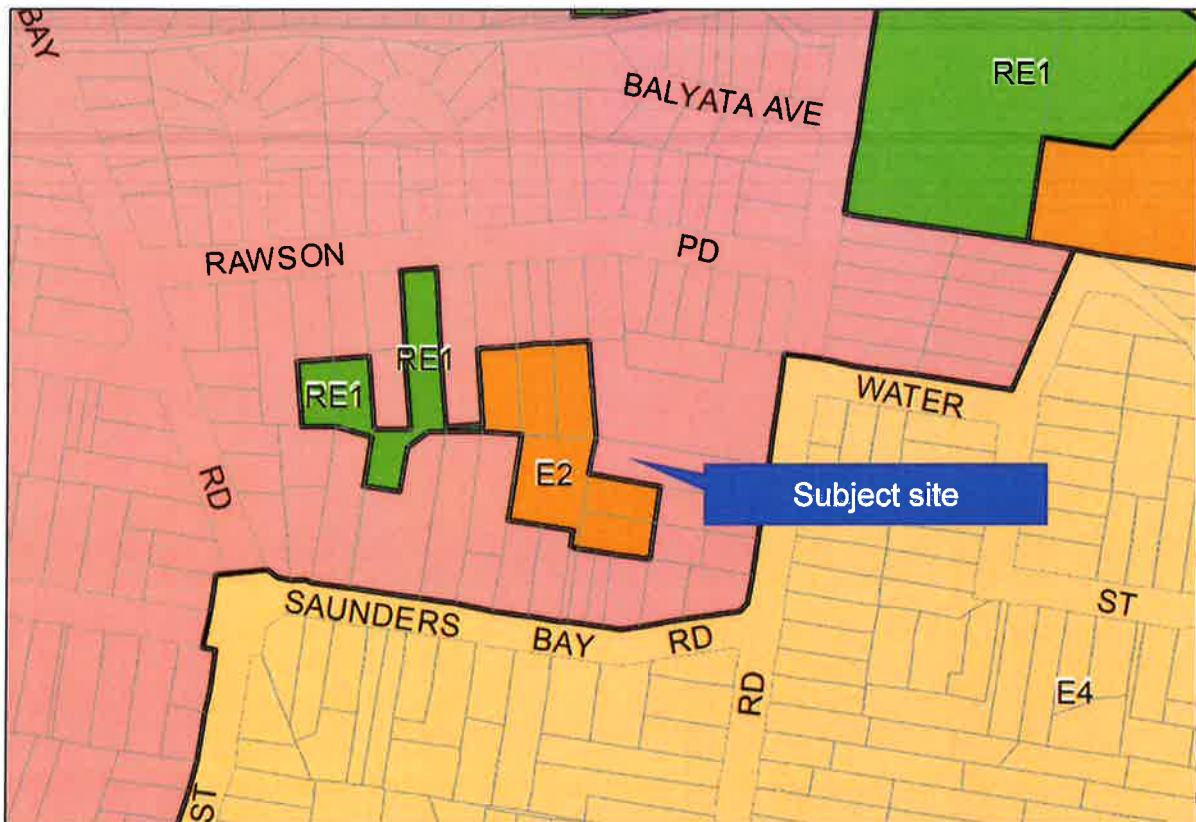


Figure 2: Existing Land Zoning Map (Note: The LEP cadastre has not yet been updated to include the recent subdivision of the site)



Figure 3: Existing Height of Buildings Map (I represents 8.5m)

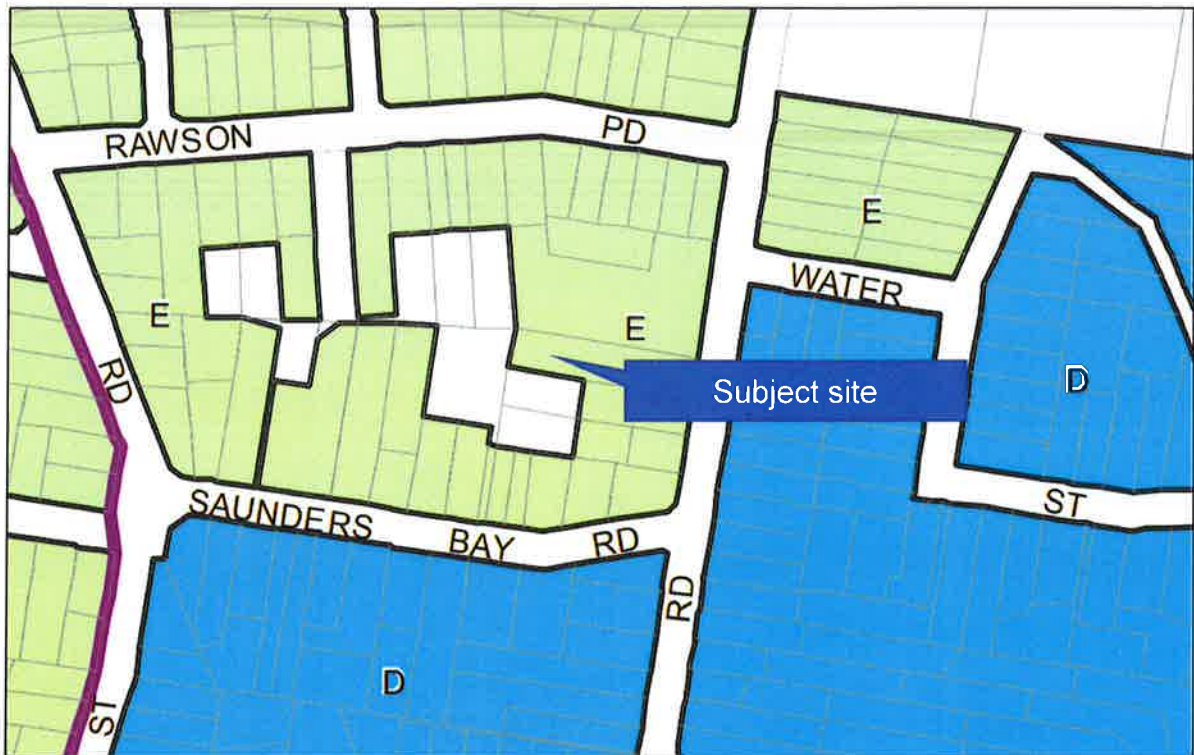


Figure 4: Existing Floor Space Ratio Map (E represents 0.55:1)



Figure 5: Existing Landscape Area Map (J represents 35%)

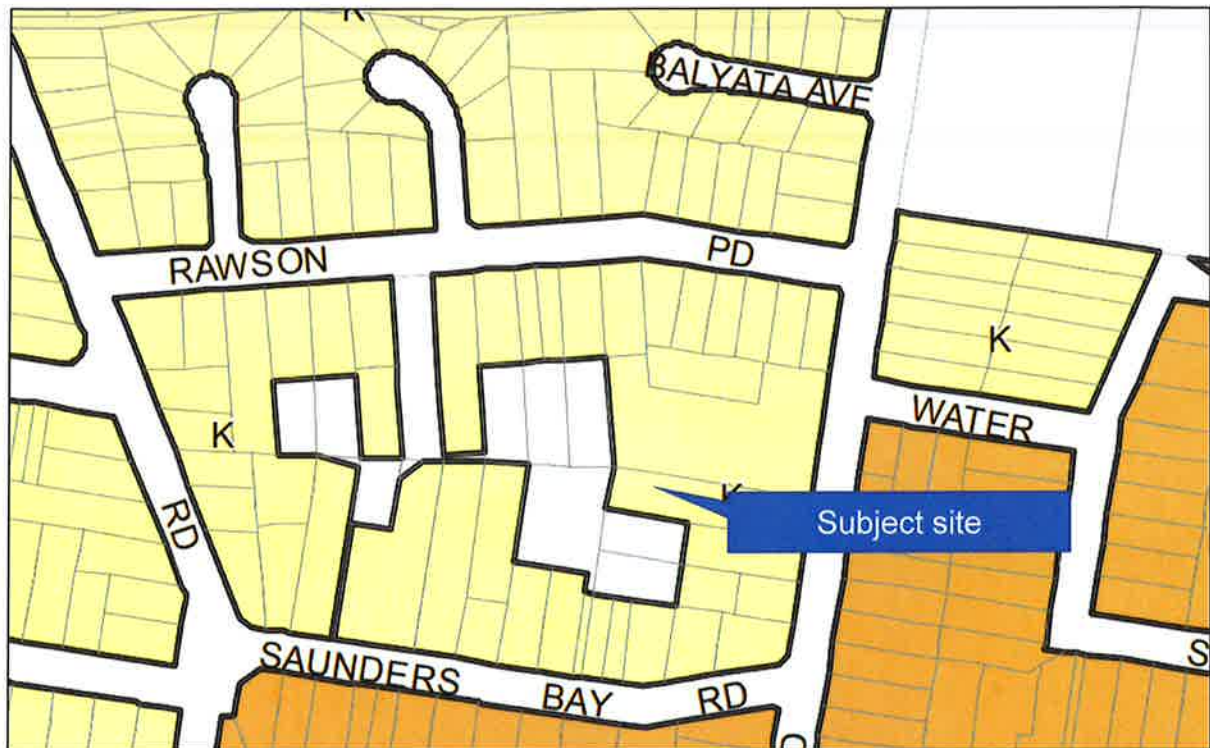


Figure 6: Existing Lot Size Map (K represents 550sqm)

1.4 Surrounding area

The site is within a predominantly low density residential area characterised by dwelling houses on landscaped lots.

To the east is a lot containing a dwelling house. The lot containing this dwelling house was subdivided to provide the lot subject to this planning proposal. A two storey residential flat building complex adjoins to the north.

To the south and west of the site is the existing Wattlebird Bushland Reserve. The reserve is located at the rear of residential properties within the block formed by Gannons Road, Saunders Bay Road and Rawson Road. The public can access the reserve from Rawson Road and Saunders Bay Road (**Figure 6**).

The portion of the reserve adjoining the subject site is heavily vegetated bushland and is within Zone E2 Environmental Conservation (**Figure 2**). The western portion of the reserve contains grass lawn open space and is within Zone RE1 Public Recreation.



Figure 6: Saunders Bay Road entrance to Wattlebird Bushland Reserve

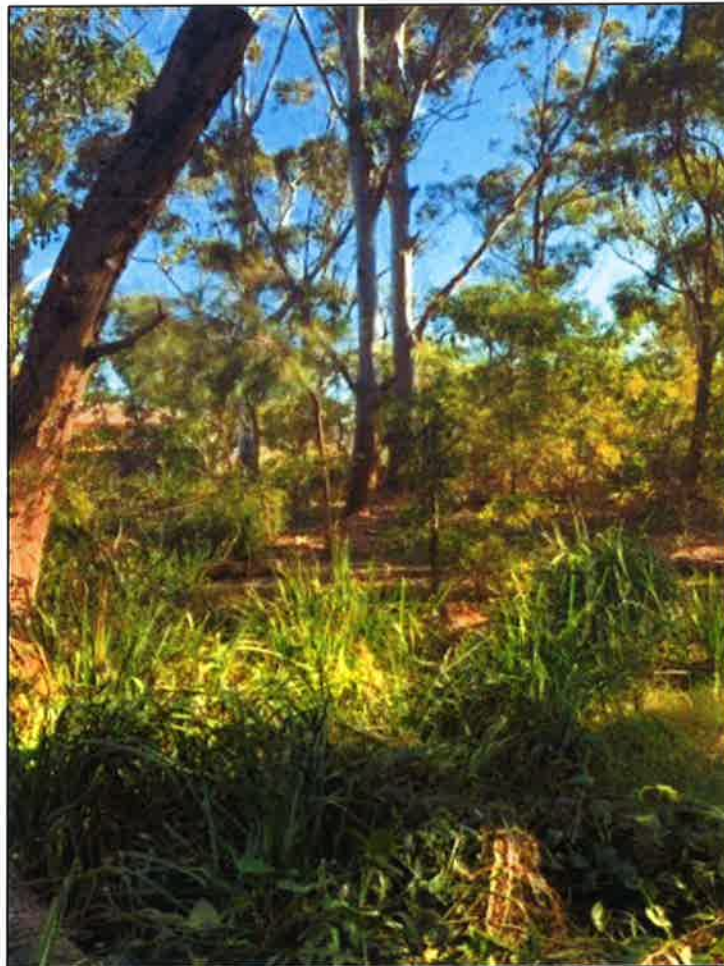


Figure 7: Bushland at the subject site (Source: Planning proposal)

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions.

The planning proposal will rezone the site to ensure the ongoing environmental conservation of the expanded Wattlebird Bushland Reserve.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to rezone the subject land to reflect its addition as public open space to the adjoining reserve.

2.2 Explanation of provisions

The planning proposal intends to amend SS LEP 2015 as follows:

- Rezoning the site from Zone R2 Low Density Residential to Zone E2 Environmental Conservation; and
- Removing the land from being shown on the:
 - Height of Buildings Map;
 - Floor Space Ratio Map;
 - Landscape Area Map; and
 - Lot Size Map.

2.3 Mapping

The planning proposal seeks to amend the following maps of SS LEP 2015:

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

The mapping provided is considered sufficient for community consultation, however it will be required to meet the Department's technical standards prior to the plan-making stage.

A condition of the Gateway determination reflects this requirement.

3. BACKGROUND

In 2018, the owner of 153 Gannons Road, then one lot, offered to donate the rear part of the land to Council for the purpose of expanding Wattlebird Bushland Reserve.

Council resolved in June 2018 to accept the donation by acquiring the land, to classify it as 'Community land', to subdivide it, and to rezone it to RE1 Public Recreation.

153 Gannons Road was subdivided in November 2018. Council later acquired the land in January 2019 and it is now classified as community land.

The draft planning proposal was reported to the Sutherland Shire Local Planning Panel (LPP) in May 2019. The Panel recommended rezoning the land to E2 Environmental Conservation rather than RE1 to preserve its bushland character.

In July 2019, Council resolved unanimously to accept the recommendation of the LPP and to submit the planning proposal to the Department for Gateway determination.

4. NEED FOR THE PLANNING PROPOSAL

The planning proposal is the result of Council entering into a Deed of Agreement with the former landowner to donate the land to expand the adjoining reserve.

A planning proposal is considered the best means to achieve the intended outcome of rezoning the subject land to reflect its addition as public open space.

The proposed application of Zone E2 Environmental Conservation is justified in the following manner:

- The land is vacant and has been identified in OEH vegetation mapping (*The Native Vegetation of the Sydney Metropolitan Area – Version 3.1*) as bushland comprising Coastal Enriched Sandstone Dry Forest;
- Council agreed to place a covenant on the title of the recently subdivided lot including words to the effect that the 'Park Lot' is never to be built on and is to be returned to the original bushland state; and
- Under the *Local Government Act 1993*, the land has been taken to have been classified as community land, given Council did not resolve to reclassify the land within 3 months of its acquisition.

5. STRATEGIC ASSESSMENT

5.1 District

South District Plan

The South District Plan was released by the Greater Sydney Commission in March 2018. The plan contains planning priorities and actions to guide the growth of the South City District while improving its social, economic and environmental assets. Section 3.8 of the Environmental Planning and Assessment Act 1979 requires the planning proposal authority to give effect to the relevant district plan.

The planning proposal gives effect to the South District Plan in the following manner:

- Facilitating the protection and enhancement of bushland, biodiversity and scenic landscapes, consistent with Planning Priority S14;
- Facilitating the future expansion of the urban tree canopy, consistent with Planning Priority S15; and
- Expanding the area of public space, consistent with Planning Priority S16.

5.2 Local

The planning proposal is consistent with Council's Community Strategic Plan in the following manner:

- Enhancing and protecting diverse natural habitats, consistent with Strategy 2.2 of Outcome 2.2; and

- Contributing to no net loss of tree canopy and satisfying the community that the natural environment is respected and protected, consistent with Strategy 2.4 of Outcome 2.2.

5.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant local planning directions, including Direction 2.1 Environment Protection Zones and Direction 3.1 Residential Zones.

Direction 2.1 Environment Protection Zones

This direction aims to protect and conserve environmentally sensitive areas.

The land is considered environmentally sensitive because it is mapped as Coastal Enriched Sandstone Dry Forest in OEH vegetation mapping (*The Native Vegetation of the Sydney Metropolitan Area – Version 3.1*).

The planning proposal is consistent with the direction because by rezoning the land to Zone E2 Environmental Protection, the environmentally sensitive bushland at the site will be protected and conserved.

Zone E2 is appropriate for this purpose because the objectives of the zone include:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To ensure that development, by way of its type, design and location, complements and enhances the natural environment in environmentally sensitive areas.

The zone achieves these objectives by permitting only a limited range of development which are incidental to conserving the natural environment.

Direction 3.1 Residential Zones

This direction aims to:

- Encourage a variety and choice of housing types to provide for existing and future housing needs;
- Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
- Minimise the impact of residential development on the environment and resource lands.

The direction applies because the planning proposal affects land within an existing residential zone.

Since the land is classified as community land, the planning proposal will not alter the existing provisions of SS LEP 2015 relating to:

- The choice of building types and locations available in the housing market;
- Making efficient use of existing infrastructure and services;
- Consumption of land for housing and associated urban development on the urban fringe; or

- Good design.

As such, the planning proposal is considered consistent with the direction.

5.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, including State Environmental Planning Policy No 19-Bushland in Urban Areas

The SEPP aims to protect and preserve bushland within urban areas. The planning proposal is consistent with the SEPP because priority has been given to retaining the bushland of the subject site by the proposed E2 zoning.

6. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will result in a positive social benefit since it will facilitate conservation of a bushland reserve for public enjoyment.

6.2 Environmental

The planning proposal will enable conservation and rehabilitation of the bushland located at the subject site (**Figure 7**). Rezoning to Zone E2 is considered appropriate because it reflects Council's inclusion of the land in the wider Wattlebird Bushland Reserve, also zoned E2. The reserve has an active Bushcare group which meets monthly and assist in rehabilitation and conservation of the land.

In addition, removing the land from Zone R2 will prevent the bushland from being subject to the wide range of development permitted in that zone which could result in biodiversity loss.

As such, the planning proposal will result in a positive environmental outcome.

6.3 Economic

The planning proposal will not result in any adverse economic impacts.

7. CONSULTATION

7.1 Community

Council proposes a community consultation process which includes a public exhibition period of 28 days.

The exhibition period proposed is considered appropriate, and it forms a condition of the Gateway determination.

8. TIME FRAME

Council proposes a four month time frame to complete the LEP.

The Department considers a timeframe of six months is appropriate to ensure the finalisation of the LEP.

9. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority.

The Criteria for Delegation of Plan Making Functions checklist has been completed and submitted with the planning proposal. It is considered appropriate for Council to be authorised to be the local plan-making authority. The planning proposal is of local

significance and has arisen from an arrangement with the previous land owner to acquire the land for public purposes. A Gateway condition grants this authorisation.

10. CONCLUSION

The planning proposal is supported to proceed subject to conditions, as outlined below. The planning proposal is consistent with the South District Plan because it expands the area of public space and facilitates the conservation of bushland.

11. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation in accordance with Part 6.5.2 of *A guide to preparing local environmental plans* for a minimum of 28 days.
2. The planning proposal mapping is to be prepared in accordance with the Department's technical guidelines prior to Council making its request to draft and finalise the LEP.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.
4. The time frame for completing the LEP is to be six months from the date of the Gateway determination.

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