

PLN023-19 PLANNING PROPOSAL WATTLEBIRD BUSHLAND RESERVE

Attachments: Appendix A [A](#)

EXECUTIVE SUMMARY

- 153R Gannons Road, Caringbah (Lot 108 DP 5179) is the parcel of land generously gifted to Council by the owner of 153 Gannons Road so that it can become an extension to Wattlebird Bushland Reserve.
- This Planning Proposal seeks to rezone that land for open space purposes.
- The Planning Proposal was referred to the Sutherland Shire Local Planning and the Panel recommends the land be zoned E2 Environmental Conservation, rather than RE1 Public Recreation, to ensure consistency with zoning of the adjoining reserve. Officers acknowledge that this is a better outcome.
- This report seeks Council's endorsement of the amended Planning Proposal and its referral to NSW Planning, Industry and Environment for Gateway Determination.

REPORT RECOMMENDATION

THAT:

1. The advice of the Sutherland Shire Local Planning Panel in relation to this Planning Proposal be accepted that land be zoned E2 Environmental Conservation.
2. Planning Proposal SSLEP2015 Wattlebird Bushland Reserve, Caringbah South be submitted to NSW Planning, Industry and Environment for a Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to Section 3.31 of the *Environmental Planning and Assessment Act 1979*.
4. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
5. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

PURPOSE

This report seeks Council's endorsement of the Planning Proposal (Appendix A) for submission to NSW Planning, Industry and Environment for Gateway Determination.

BACKGROUND

Number 153R Gannons Road, Caringbah South has been created from the generous donation of its original owner so that the land could be added to Wattlebird Reserve. The land will be maintained by Council as a bushland reserve.

Council resolved ([PLN036-18](#), 18 June 2018) to rezone the land at 153R Gannons Road Caringbah South (Part Lot 108 DP5179) from R2 Low Density Residential to RE1 Public Recreation, and to reclassify the land as 'Community'.

Council acquired the land on 17 January 2019. In accordance with Section 31 of the *Local Government Act 1993*, the land is now classified as 'Community Land'.

DISCUSSION

In line with current requirements, the Planning Proposal was referred to the Sutherland Shire Local Planning Panel of the 21st May 2019. The Panel made the following comments:

PANEL DECISION:

The Sutherland Shire Local Planning Panel advises Council that:

- 1. The Panel supports the Council officer's recommendation that the Planning Proposal proceed to Gateway. However, the Panel considers that the land should be zoned E2 to be consistent with the adjoining existing reserve land.*
- 2. The Panel was also of the view that the strategic and local merit of the proposal could be strengthened given that the landscape character and open space provision of the Shire are very important aspects of the character of the Shire and are reflected in the local planning instruments.*

REASON FOR THE DECISION:

The proposal is an appropriate measure to preserve the land and its natural environmental character and to achieve the intention of the previous owner that the land be available for the future benefit of the community as bushland reserve.

VOTES: *The decision was unanimous.*

The Panel's recommendation to change the zone from RE1 to E2 is logical and supported by officers. The RE1 zones seeks to enable land to be used for public open space and recreational purposes. In comparison the E2 zone seeks to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. Given that the land has been given to Council to preserve its ecological value, the E2 zone is a better fit. It has been applied to bushland areas throughout the Sutherland Shire to protect local biodiversity, which is the intent of this gift of land.

The draft Planning Proposal has been amended to apply the E2 zoning and to strengthen the strategic and local merit of the proposal.

RESOURCING STRATEGY IMPLICATIONS

Management of Council's Local Environmental Plan (SSLEP2015) is conducted within the budget allocation of Strategic Planning.

COMMUNITY ENGAGEMENT

Subject to a positive Gateway Determination, the following consultation activities will be undertaken:

- Public exhibition of the Planning Proposal on Council's Join the Conversation website for a period set by the Gateway Determination
- Publication of an advertisement in the local newspaper
- Exhibition at all Sutherland Shire Council libraries and the Administration Building.

STRATEGIC ALIGNMENT

This proposals assists Council in meeting the following strategic objective:

Community Strategic Plan Strategy	Delivery Program (2017-2021) Deliverables
2.2 Enhance and protect diverse natural habitats	

POLICY AND LEGISLATIVE REQUIREMENTS

The Environmental Planning and Assessment Act 1979 and Regulations require Council to submit all Planning Proposals for a Gateway Determination before being placed on public exhibition. The recommendations contained in this report will initiate this process.

CONCLUSION

The addition of this land to Wattlebird Bushland Reserve will increase bushland and open space available to residents, while helping preserve the natural qualities of the locality. The Planning Proposal now seeks to rezone the land E2 Environmental Conservation so that it is consistent with the intent of the gift of the land and the adjoining zoning. It is recommended that the Planning Proposal be referred to the Department of Planning, Industry and Environment for Gateway Determination.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Strategic Planning, Mark Carlon, who can be contacted on 9710 0523.

File Number: 2019/334055

Planning Proposal
Wattlebird Bushland Reserve
(Lot 1 DP1248818)

Part 1 – A statement of the objectives and intended outcomes of the proposed instrument

The purpose of this Planning Proposal is to zone a parcel of land, owned by Council, as public open space (zoned E2 Environmental Conservation) at 153R Gannons Road, Caringbah South (Lot 1 DP 1248818).

The land is vacant and approximately 800m² in area. The land will be added to the adjacent public reserve, known as 'Wattlebird Bushland Reserve'.



Extract SSLEP2015 and January 2018 aerial photo

Part 2 – An explanation of the provisions that are to be included in the proposed instrument

For 153R Gannons Road Caringbah, amend SSLEP2015 maps as follows:

SSLEP2015 Land Zoning Map: Change R2 Low Density Residential to Zone E2 Environmental Conservation.

SSLEP2015 Floor Space Ratio Map: Remove FSR

SSLEP2015 Height of Buildings Map: Remove height

SSLEP2015 Landscaped Area Map: Remove landscaped area

SSLEP2015 Lot Size Map: Remove lot size

Part 3 – The justification for those objectives, outcomes and the process for their implementation

Section A - Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The proposal is not the result of a strategic study.

The previous owner of 153R Gannons Road Caringbah South entered into a Deed of Agreement with Council to donate the subject land to Council, so that the land could be added to the adjacent Wattlebird Bushland Reserve, and be maintained by Council as a bushland reserve. The land is vacant and contains bushland.

The ownership of the land has now been transferred to Council. As part of the plan of acquisition registered at Land Registry Services NSW, Council agreed to place a covenant on the title of the Park 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.

The proposal is the result of a Council report (PLN036-18) and Council Minute No 285 PLN036-18, which resolved that:

"1. The owner of 153 Gannons Road be thanked in writing for the generous donation to benefit the Shire Community.

2. The acquisition by donation of approximately 800m² of 153 Gannons Road, Caringbah (Part Lot 108 DP 5179) to increase open space at Wattlebird Bushland Reserve at terms and conditions to the satisfaction of the General Manager be approved.

3. Once the land is acquired, a Planning Proposal be prepared to rezone part of 153 Gannons Road, Caringbah from R2 Low Density Residential to RE1 Public Recreation and reclassify the land as 'Community'.

4. The Planning Proposal be submitted to NSW Planning and Environment for Gateway Determination with a request that Council may make the plan under delegation.

5. Subject to an approval being granted at Gateway, the above planning proposal be exhibited in accordance with Council's policies and any conditions specified in the Gateway determination.

6. The acquired land (Part Lot 108 DP 5179), and Wattlebird Bushland Reserve (consisting of Lot 1114 DP 588662, Lot 32 DP 537845, Lot 34 DP 589616, Lot 36 DP 538620, Lot 44 DP 535533 and Lot 46 DP 536689) be consolidated into a single lot.

7. Council delegates the General Manager to execute any necessary documentation, in accordance with the Power of Attorney dated 6 July 2016 BK 4710 No. 28, for the acquisition of part of 153 Gannons Road, Caringbah (Lot 108 DP 5179).

In accordance with Section 31 of the Local Government Act 1993 the land is now "taken to have been classified under a local environmental plan as community land", as Council has not resolved to reclassify the land within the specified 3 month time frame (S.31(2)).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, rezoning of the land is the best means to make the land available to the public as a public reserve, to be managed by Council.

Section B – Relationship to strategic planning framework

Q3. 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)?

Assessment Criteria

a) Does the proposal have strategic merit? It is:

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

b) Does the proposal have site specific merit, having regard to the following:

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The planning proposal has strategic merit. *The Greater Sydney Region Plan- A Metropolis of Three Cities* (March 2018) and the South District Plan (March 2018) have numerous directions and objectives supported by this planning proposal. The Metropolitan Plan seeks to maintain *a City in Its Landscape as a healthy natural environment will be important to improve liveability, create healthy places, and mitigate the effects of climate change.*

Specifically, the South District Plan contains the following relevant Priorities:

Planning Priority S14 - Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas

Planning Priority S15 - Increasing urban tree canopy cover and delivering Green Grid connections

Planning Priority S16 - Delivering high quality open space

The Green Grid initiative of the Metropolitan and District Plans sets a long-term vision for a network of high quality green areas that will connect communities to green infrastructure. Council recently adopted a Green Grid Strategy (Council report PLN012-19). The Green Grid builds on and draws together Council initiatives such as 'Greenstreets' tree planting, cycleway, and footpath programs. The Green Grid seeks to coordinate a network of high quality green spaces and tree-lined streets that support walking, cycling and community access to open spaces, waterways, bushland, schools, public transport and town centres. This network sits within a corridors that support biodiversity. In

this regard the subject land, and Wattlebird Bushland Reserve, adjoins Gannons Road, which has been identified as a Green Grid link.

Large areas of the Sutherland Shire are maintained in their natural bushland state. This proposal is consistent with Council's commitments, and will help enhance local liveability, providing an increased amount of open space to cater for the recreational needs of an increasing population.

Sustainability of the city within its landscape and biodiversity will be improved with the addition of 800sqm of open space to Wattlebird Bushland Reserve, which will be maintained by Council as bushland reserve.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with Council's Community Strategic Plan in the following ways. The Community Strategic Plan: *Our Community Plan* endorses the outcomes, strategies and performance measures which this planning proposal seeks to pursue:

Outcome 2: Sutherland Shire: A beautiful, protected and healthy natural environment

Strategy 2.2 Enhance and protect diverse natural habitats.

- 2.2.1 Enhance and protect our diverse flora, fauna and ecological communities.
- 2.2.2 Manage, promote and enhance our tree canopy in urban and natural areas.
- 2.2.3 Encourage responsible urban planning which balances growth with environmental sustainability.

Strategy 2.4 Environment and climate risks and impacts are understood and managed.

- 2.4.1 Plan for and respond to long-term climate related changes.
- 2.4.2 Monitor and manage the environment to minimise the impacts of natural disasters.
- 2.4.3 Build community resilience to respond and adapt to environment and climate risks.

Relevant Performance Measures:

- No net loss of tree canopy
- Flora and fauna surveys
- Community satisfaction that the natural environment is respected and protected

Council has long standing commitments to protecting and enhancing the bushland, biodiversity and scenic landscapes of the Sutherland Shire. Land use planning controls such as: landscaping and density limits, and Greenweb provisions in the DCP have helped facilitate improvements to the aesthetic and ecological qualities of the Shires public open space. The landscape character is an important aspect of the character of the Shire.

The land is within the Greenweb Restoration Corridor - a provision of Sutherland Shire Development Control Plan 2015 (SSDCP2015). The natural resources of Sutherland Shire are a fundamental element of its character. It is the scale of National Parks and bushland reserves, the quality of the waterways and the coastal environment, the existence of remnant bushland within urban areas and the presence of established canopy trees which define the character of the Shire. Council's Greenweb strategy is to manage significant vegetation, vegetated links and waterways throughout Sutherland Shire to ensure the long term conservation of the biodiversity of the Shire and surrounds.

Greenweb Restoration areas provide opportunities for the establishment and vegetation of corridors between core areas. Greenweb will assist long term biodiversity by strengthening links between areas of core habitat and by creating links where none currently exist. This is a long term strategy to ensure ecological communities do not become isolated resulting in their local extinction over time. It is noted that there is an active Bushcare group meeting on the 4th Wednesday of the month at Wattlebird Bushland Reserve. Augmenting the Reserve will assist in achieving the Greenweb strategy.

Implementing this planning proposal will help to maintain and protect the natural environment of the Sutherland Shire by enhancing and protecting the diverse flora, fauna and ecological communities, and enhancing the tree canopy in an 800sq m area to be maintained as bushland.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes the planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs)

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 1—Development Standards	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy No 19—Bushland in Urban Areas	Relevant	Consistent as the amendment will protect bushland within an urban area
State Environmental Planning Policy No 21—Caravan Parks	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	
State Environmental Planning Policy No 30—Intensive Agriculture	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	
State Environmental	None - Does not apply to land under SSLEP2015	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
Planning Policy No 36—Manufactured Home Estates		
State Environmental Planning Policy No 44—Koala Habitat Protection	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy No 47—Moore Park Showground	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy No 50—Canal Estate Development	None. No provisions of the Planning Proposal affect development for the purposes of Canal Estates.	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy No 55—Remediation of Land	The Planning Proposal does not seek to materially change the development potential of any land which is known to be contaminated.	
State Environmental Planning Policy No 62—Sustainable Aquaculture	None. No provisions of the Planning Proposal affect development for the purposes of Sustainable Aquaculture.	
State Environmental Planning Policy No 64—Advertising and Signage	None. No provisions of the Planning Proposal affect development for the purposes of Advertising and Signage.	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	None. No provisions of the Planning Proposal affect development for the purposes of Residential Apartments.	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	None. No provisions of the Planning Proposal affect development for the purposes of affordable housing.	
State Environmental Planning Policy (Affordable Rental Housing) 2009	None. No provisions of the Planning Proposal affect development for the purposes of affordable rental housing.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	None. No provisions of the Planning Proposal affect the environmental performance characteristics of residential dwellings.	
State Environmental Planning Policy (Coastal Management) 2018	None. No provisions of the Planning Proposal seek to introduce controls which would conflict with the Coastal Management SEPP.	
State Environmental Planning Policy (Concurrences) 2018	None. No provisions of the Planning Proposal seek to introduce controls which would conflict with the Concurrences SEPP.	
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	None. No provisions of the Planning Proposal affect development for the purposes of educational establishments or child care facilities.	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	None. No provisions of the Planning Proposal seek to introduce controls which would conflict with the SEPP.	
State Environmental Planning Policy (Gosford City Centre) 2018	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	None. No provisions of the Planning Proposal affect development for the purposes of housing for seniors or people with a disability.	
State Environmental Planning Policy (Infrastructure) 2007	None. No provisions of the Planning Proposal affect development for the purposes of infrastructure.	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Kurnell Peninsula) 1989	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	None. No provisions of the Planning Proposal affect development for the purposes of mining, petroleum production and extractive industries.	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Rural Lands) 2008	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (State and Regional Development) 2011	None. No provisions of the Planning Proposal affect development classed as State Significant Development or Regional Development.	
State Environmental Planning Policy (State Significant Precincts) 2005	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Three Ports) 2013	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Urban Renewal) 2010	None - Does not apply to land under SSLEP2015	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	None - Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Western Sydney Parklands) 2009	None - Does not apply to land under SSLEP2015	
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	None. No provisions of the Planning Proposal affect development for the purposes of extractive industries.	
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 and s.9.1 directions)?

Yes the planning proposal is generally consistent with the applicable s9.1 Ministerial Directions. Relevant Directions are discussed in detail below:

3.1 Residential Zones

The proposed rezoning affects land within a residential zone, changing the rear part of the original lot (800sq.m.) to an Environmental Conservation zone. The dwelling house is located on the remaining part of the lot at 153 Gannons Road (Lot 1 DP 1248818) with estimated site area 1138.45 s.qm.

While the amount of land which can be developed for housing is reduced by this proposed rezoning (by 800 sqm) the rezoning is of minor significance to housing supply.

5.10 Implementation of Regional Plans & 7.1 Implementation of A Plan for Growing Sydney

With the release of *A Metropolis of Three Cities - The Greater Sydney Region Plan 2018*, directions 5.10 and 7.1 need to be considered together.

The objective of Direction 5.10 is “to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.” This is implemented by requiring that all planning proposals must be consistent with the applicable regional plan. *A Metropolis of Three Cities - The Greater Sydney Region Plan 2018* is the applicable regional plan which applies to the Sutherland Shire.

The objective of Direction 7.1 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*.” This is implemented by requiring that all planning proposals must be consistent with *A Plan for Growing Sydney*. Given that *A Plan for Growing Sydney* has been superseded by *A Metropolis of Three Cities - The Greater Sydney Region Plan 2018* the planning proposal should be assessed against this plan instead.

A Metropolis of Three Cities - The Greater Sydney Region Plan 2018 (hereafter “the Plan”)- Several directions and objectives are relevant to this planning proposal:

A city in its landscape

- *Objective 30 urban tree canopy cover is increased*
The proposal will maintain/ increase urban tree canopy cover

An efficient city

- *Objective 33 A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change*

The proposal will maintain/increase urban tree canopy cover

Adapting to a changing world

- *Objective 38 Heatwaves and extreme heat are managed*
The Plan advocates a boost to tree canopy in urban areas to provide relief from urban heat, primarily to protect human health and liability.

The proposal will maintain/ increase urban tree canopy cover

Section C – Environmental, social and economic impact

Q7. 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 proposal protects and increases available habitat as the part lot will remain a bushland reserve under Council's ownership and management. The land is designated in SSDCP2015 as a Greenweb Restoration area, and increasing the amount of land under public ownership and zoned for environmental conservation will improve the effectiveness of the Greenweb Restoration area.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No adverse environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

There are no adverse social or economic effects anticipated. The proposal increases the size of the adjacent public reserve, which is managed by Council.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The proposal increases the amount of public infrastructure in the form of a public reserve.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

Rezone 153R Gannons Road, Caringbah South (Lot 1 DP 1248818) from R2 Low Density Residential to E2 Environmental Conservation.





Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2016), 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 identifying the purpose of the planning proposal and where the planning proposal can be viewed.

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 consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from the home page. It is anticipated that the mapping changes will be available through Shire Maps (Council’s interactive online mapping system) which will be especially beneficial for the public to compare the existing and proposed changes for any property.

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 – Project Timeline

Milestones	Timing
Gateway Determination	June 2019
Exhibition Start	July 2019
End Exhibition	August 2019
Review and Consideration of Submissions	September 2019
Report to Committee on Submissions	September/October 2019
Council Meeting	October 2019
Request for Draft Instrument to be Prepared	November 2019

Conclusion

The purpose of this Planning Proposal is to increase public open space with the rezoning of the subject land at 153R Gannons Road, Caringbah South (Lot 1 DP 1248818), the addition of the rezoned land (approximately 800sq m) to the adjacent public reserve known as 'Wattlebird Bushland Reserve'.

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

Appendix 1: Criteria for Delegation of Plan Making Functions

Local Government Area: Sutherland Shire

Name of draft LEP: SSLEP2015 Minor Amendments: Clauses, Zoning and Development Standards 2018

Address of land (if applicable): 153R Gannons Road, Caringbah South (Lot 1 DP 1248818)

Intent of draft LEP: The purpose of this Planning Proposal is to zone a parcel of land, owned by Council, as public open space (zoned E2 Environmental Conservation) at 153R Gannons Road, Caringbah South (Lot 1 DP 1248818).

Additional Supporting Points/Information: N/A

Evaluation criteria for authorising Council to be the local plan-making authority

	Council Response		Department assessment
	Y/N	Not Relevant	Agree/Disagree
(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)			
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		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?	Y		
Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions?	Y		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y		
Minor Mapping Error Amendments			
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			
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?		N/A	
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A	
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?		N/A	

Reclassifications

Is there an associated spot rezoning with the reclassification?		N/A	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A	
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A	
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		N/A	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		N/A	
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		N/A	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A	

Spot Rezonings

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?		N/A	
Does the planning proposal create an exception to a mapped development standard?		N/A	

Section 3.22 matters

Does the proposed Instrument			
a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbers 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? 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 of the adjoining land?		N/A	
(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed)			

2. A program of community engagement be undertaken to inform the development of the Local Strategic Planning Statement.
3. A Councillor study group be established to progress the Local Strategic Planning Statement.

Minute No: 191**PLN023-19****Planning Proposal Wattlebird Bushland Reserve****File Number: 2019/334055**

RESOLVED: (Councillor Provan/Councillor Forshaw*)

THAT:

1. The advice of the Sutherland Shire Local Planning Panel in relation to this Planning Proposal be accepted that land be zoned E2 Environmental Conservation.
2. Planning Proposal SSLEP2015 Wattlebird Bushland Reserve, Caringbah South be submitted to NSW Planning, Industry and Environment for a Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to Section 3.31 of the *Environmental Planning and Assessment Act 1979*.
4. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
4. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

Upon moving the Resolution in bulk, a Division was taken to be called on the Resolution and the following votes were recorded:

In Favour of the Resolution were Councillors Boyd, Collier, Croucher, Forshaw, Johns, McLean, Nicholls, Provan, Riad, Scaysbrook, Simone, Simpson and Steinwall.

The decision was unanimous.