

Sutherland Shire Local Environmental Plan
(SSLEP 2014)
Amendment 1

Sutherland Shire Council

Planning Proposal - Section 55 of the Environmental Planning and Assessment Act, 1979

LOCAL GOVERNMENT AREA

Sutherland Shire Council

NAME OF PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2014 Amendment 1

ADDRESSES OF LAND

- 34R-36R Caravan Head Road, Oyster Bay (Lot 219 DP 259657)
- Part of 2R Alexander Road, Taren Point (Part Lot 1 DP 234622)
- Part of 1-3 and 2-4 Gidji Road, Miranda (Part Lot 5 DP 26325 and Part Lot 4 DP 26325)
- 13R Pinnacle Street, Miranda (Lot 31 DP 11987)
- Three (3) sites being Part of Lot 356 MP144 (Royal National Park)
- 691 and 697 Old Illawarra Road, Illawong (being Lots 7,8,9 &10 DP 831160 Lot 499 DP 752034)
- 69-71 Loftus Street, Bundeena (Lot 1 DP 1077138)
- 75 Loftus Street, Bundeena (Part Lot 5 DP 663309)
- 9 Kingsway, Cronulla (Lot 1 DP 700935)

INTRODUCTION

This planning proposal has been prepared to address nine (9) relatively minor rezoning and reclassification matters that were not included in draft Sutherland Shire Local Environmental Plan 2013 (SSLEP2013).

These matters came before Council in a number of separate reports since the finalisation of the content of draft SSLEP2013. The relevant Council Resolutions directing that the matters be included in this planning proposal are contained in Appendix 1.

DETAILS OF THE PLANNING PROPOSAL

Part 1 - A statement of the objectives or intended outcomes of the proposed local environmental plan. [Act s. 55(2)(a)]

The primary objective of this planning proposal is to progress the following matters, which were not included in draft Sutherland Shire Local Environmental Plan 2013 (SSLEP2013). The Planning Proposal seeks to amend Sutherland Shire's new Local Environmental Plan, when made, as follows:

- The reclassification of a development control strip at 34R-36R Caravan Head Road, Oyster Bay from 'Community' land to 'Operational' land to allow its sale to the adjoining owners of 34-36 Caravan Head Road, Oyster Bay. No interests are to change during the reclassification.
- Council is the registered proprietor of Lot 1 in DP 23622 at 2R Alexander Avenue, Taren Point, which forms part of the Taren Point Shorebird Reserve. The proposed reclassification of 75.5m² of this land from 'Community' to 'Operational' land is an initiative put forward by the owner of 98 Woodlands Road, Taren Point, which adjoins the subject site to the west. Through the reclassification and rezoning of council land, the adjacent property owner seeks to facilitate the purchase of the subject land to "enable efficient and sensitive use of their land."

As presently configured, the property at 98 Woodlands Road does not meet the size requirements to allow residential subdivision for an internal lot (i.e., 850m²). The landowner seeks to gain rear access to his property via Smith Street and part of 2R Alexander Avenue, thus creating the potential for subdivision of the lot into two (2) properties, each with independent street access. Under this scenario, the minimum lot size (700m²) can be achieved.

- The rezoning of part of 1-3 and 2-4 Gidji Road, Miranda from RE1 Public Recreation to R2 Low Density Residential. The proposed rezoning allows for the consolidation of the adjoining two (2) lots in the future. The proposed rezoning must not proceed to finalisation without a formal written Agreement that a Right of Carriageway for public access has been created over the subject land at a location and compensation price agreed between Council and the proprietors. This is essential to ensure public access is available to the open space corridor to the rear of the land. Should this not be in place before this matter is next considered by Council, Council will request that this element be removed from the draft LEP amendment.
- The reclassification of a drainage reserve from 'community' to 'operational' land at 13R Pinnacle Street, Miranda, to provide Council with the flexibility to achieve a better public outcome with respect to pedestrian access between Pinnacle Street and Kingsway. This access is essential as the precinct will become a high density neighbourhood under zoning changes introduced in the new LEP and the access way will facilitate improve pedestrian access to transport, shops and schools. No interests are to change during the reclassification.
- The proposed rezoning of the Loftus, Grays Point and Heathcote sporting ovals - located within the gazetted boundaries of Royal National Park - from E1 National Parks and Nature Reserves to RE1 Public Recreation is the outcome of more than a decade of negotiations between the NPWS and Sutherland Shire Council. It involves the potential land swap, lease and fee simple transfer options for the parcels, following the expiration of a 20 year licence agreement for Council to manage the fields as a recreation resource. Council ownership of these lands will allow improvements of these sites to be made without the difficulty of NPWS approval (i.e., a conflict with the RNP

Plan of Management) and will secure the tenure of the playing fields for future recreational uses by residents of Sutherland Shire

The rezoning process is being pursued in concert with the NPWS's application to revoke these parcels from the Royal National Park. The application is scheduled to come before Parliament by mid 2014. As such, the planning proposal is seeking 'in principle' support for the rezoning of these sites. Once the *NPW Act 1974* is amended and the parcels are subject to a formal survey, their legal descriptions will become part of the planning proposal.

- The proposed rezoning of Crown land at 691 and 697 Old Illawarra Road, Illawong from SP2 (Fire Services) to SP2 (Community Facility and Emergency Services Facility) will allow a wider range of community facilities to be permitted with consent on the subject land. In particular, the proposed rezoning will facilitate the relocation of the Menai Men's Shed facility to this site.
- The rezoning of 61-69 Loftus Street, Bundeena - occupied by the Bundeena RSL Memorial Club - from E3 Environmental Management (a residential zone under in the new LEP) to RE2 Private Recreation. The proposed rezoning formalises the permissibility of the RSL Club (i.e., a 'registered club' in the LEP land use table) now operating under existing use rights in a zone where this use is prohibited.
- The rezoning of approximately 183m² of 75 Loftus Street, Bundeena (Bundeena Reserve) from RE1 Public Recreation to RE2 Private Recreation. The objective of the rezoning is to facilitate the lease and development of the subject land for an outdoor seating area to support the operations of the adjacent Bundeena RSL Club at 61-69 Loftus Street.
- The aim of the proposed reclassification of the 9 Kingsway, Cronulla from 'community' land to 'operational' is to tidy up an administrative oversight, thus provide Council with wider permissibility on this underutilised location in central Cronulla. No interests are to change during the reclassification.

Part 2 - An explanation of the provisions that are to be included in the proposed local environmental plan. [Act s. 55(2)(b)]

The proposed outcomes will be achieved by:

- Amendments to Sutherland Shire Local Environmental Plan 2014 Land Zoning Map series to rezone land as identified in the attached maps (Appendix 4):
 - Part of 2R Alexander Avenue, Taren Point (Part of Lot 1 in DP 23622)
 - Part of 1-3 and 2-4 Gidji Road, Miranda (Part Lot 5 DP 26325 and Part Lot 4 DP 26325)

- Three (3) sites being Part of Lot 356 MP144 (Royal National Park)
 - 691 and 697 Old Illawarra Road, Illawong (Lots 7,8,9 &10 of DP 831160 and Lot 499 DP 752034)
 - Part of 75 Loftus Street, Bundeena (Part of Lot 5 DP 663309)
 - 69-71 Loftus Street, Bundeena (Lot 1 DP 1077138).
- Amendment to '*Schedule 4 Classification and reclassification of public land, Part 1 Land classified, or reclassified, as operational land – no interests changed*', to include the following properties:
 - 34R-36R Caravan Head Road, Oyster Bay (Lot 219 of DP259657)
 - Part of 2R Alexander Avenue, Taren Point (Part of Lot 1 DP 234622)
 - 13R Pinnacle Street, Miranda (Lot 31 DP 11987)
 - 9 Kingsway, Cronulla (Lot 1 DP 700935).

(See Appendix 5 for documents related to reclassifications)

Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation. [Act s. 55(2)(c)]

A. Need for planning proposal

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

Yes. The matters included in the planning proposal are the result of council resolutions in response to strategic planning and other reports prepared by council staff (see Appendix1) as identified below:

- The proposal to classify the land known as 34R-36R Caravan Head Road, Oyster Bay from 'Community' to 'Operational' land grew out of a request from the owner of the adjoining property (34-36 Caravan head Road). In response to council resolution FIN005-14, a report was prepared that considered the merits of the proposal. At its meeting of 25 March 2013, council resolved via DAP009-14 that, as there is no useful purpose for council to retain ownership of this narrow strip of unused land, a planning proposal be prepared for the Department of Planning & Environment that includes the reclassification of the subject land in accordance with Section 29 of the *Local Government Act 1993*.
- The subject land at 2R Alexander Avenue, Taren Point (and the adjoining property at 98 Woodland Road, Taren Point) are identified in the *Lower Georges River Floodplain Risk Management Study & Plan* as being within the Flood Planning Area (FPA) as defined by the NSW State Government. As such, the area of interest in relation to this proposal (being the lower end of Smith Street, the proposed driveway across 2R Alexander Avenue and part of 98 Woodlands Road) would be wholly affected by flooding to a water depth of between 100 and 200mm during a 1% AEP flood event. The flood risk for

these lands is currently classified as *Low* in the study. It is likely that conditions could be attached to any subsequent development approval for this property to minimise the risk to life and property associated with a 1% AEP flood event affecting this site.

The subject land is included in the Taren Point Shorebird Reserve Masterplan, adopted by council at its meeting on 11 May 2009 (WKS128-09). The masterplan shows a landscaped setting with a footpath connection through the proposed access to the back of 98 Woodlands Road.

The results of this investigation were reported to Sutherland Shire Council in DAP009-14, which included eight (8) requests for minor rezoning or reclassifications to form this Planning Proposal to amend Sutherland Shire's new LEP, once made. At its meeting of 25 March 2014, council resolved to include all eight proposals in the Planning Proposal. However, the proposal for 2R Alexander Avenue was inadvertently omitted from the formal minutes of the meeting. Consequently, a Planning Proposal was submitted to Planning & Infrastructure on 2 May 2014 without this reclassification.

The omission was discovered in early June 2014. Planning & Infrastructure was informed of the omission. Council was advised to submit an amended Planning Proposal. On 24 June 2014 Council confirmed its earlier decision and resolved to reclassify the subject part of 2R Alexander Avenue, Taren Point and to include a request to rezone the land from RE1 Public Recreation to E4 Environmental Living - in an amended Planning Proposal. This is that proposal.

- The proposal to rezone part of 1-3 and 2-4 Gidji Road, Miranda to assist council in reaching an agreement with the proprietors to acquire the remaining Open Space portions of their land, is consistent with the council's 1993 Ewey Creek Management Plan. The plan provides council with a long-term strategy for the restoration of the Ewey Creek corridor. It aims to provide a linear public open space corridor - and access to the corridor - for the passive recreation of Miranda residents. This outcome is supported in numerous reports, the most recent of which are FIN019-14 and CCL034-13. In addition, these parcels (part of 1-3 and 2-4 Gidji Road) are identified for acquisition in Shire-Wide Open Space and Recreation Facilities, 2005 Section 94 Contributions Plan (Part 2 – Support Documents) Table 12 - Land Identified for Acquisition under this plan.
- The proposal to reclassify the land known as 13R Pinnacle Street, Miranda from 'Community' to 'Operational' is the result of enquiries by an adjoining property owner to purchase the land. Council Resolution BDS009-14 directs that the merits of the proposal are considered. At its meeting of 25 March 2013, council resolved via DAP009-14 that a Planning Proposal be prepared for the Department of Planning & Environment that includes the reclassification of the subject land in accordance with Section 29 of the *Local Government Act 1993*. However, council supports this land being swapped - rather than sold - to move the pathway to the east, thus improve its function as a pedestrian access way.

- Regarding the proposal to rezone three (3) sporting ovals located within the gazetted boundaries of Royal National Park, in a letter to council dated 8 May 2013, then Minister for the Environment, Robyn Parker, supported council's position to acquire these parcels via a land transfer (see Appendix 7). The Minister further instructed NPWS to include the revocation of the Loftus, Heathcote and Grays Point sporting ovals from Royal National Park in a future package of revocation proposals prepared for the Cabinet. At its meeting of 24 June 2013, council resolved via FIN153-13 to rezone the parcels from E1 National Parks and Nature Reserves to RE1 Public Recreation. The resolution anticipates a positive outcome to the revocation application, expected to come before Parliament in autumn 2014.

The proposed rezoning of 691 and 697 Old Illawarra Road, Illawong from SP2 (Fire Services) to SP2 (Community Facility and Emergency Services Facility), is in response to investigations by council staff in consultation with the E Ward Councillors, to determine a suitable site for the relocation of the Menai Men's Shed facility. On 26 August 2013, council (via FIN033-13) endorsed lots 7-10 DP 831160 at 691 Old Illawarra Road, Illawong, as its preferred location for the new facility. As this location is owned by the Crown, council further resolved to make representations urgently seeking the reservation of this land for community and recreation purposes, and to appoint council as Crown Reserve Trust Manager. Crown Lands responded to council's application advising that the site is currently subject to Reserve 752034 for future public requirements and communication facilities; however, they will consider revoking that reservation to be replaced with a new reservation for other uses, including community purposes.

At its meeting of 25 March 2014, council resolved via DAP009-14 that a request to rezone 691 Old Illawarra Road, Illawong and the adjacent property at 697 Old Illawarra Road for their intended future use for 'community and emergency service' facilities be included in a planning proposal.

- As an outcome of investigations directed under FIN115-13, WKS004 -14 and WKS027-14, council resolved (via DAP077-14) to include a proposal to rezone 69-71 Loftus Street, Bundeena from E3 Environmental Management to RE2 Private Recreation, and to rezone approximately 183m² of Bundeena Reserve (75 Loftus Street) from RE1 Public Recreation to RE2 Private Recreation in a formal planning proposal. No change to the current development standards is proposed.
- At its meeting of 25 March 2014, council resolved via CCL036-14 that a request to reclassify 9 Kingsway, Cronulla in accordance with Section 29 of the *Local Government Act 1993* be prepared and included in a planning proposal for a Gateway determination.

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

As Sutherland Shire Council is far down the track with respect to its draft Standard Instrument LEP, It is considered that a planning proposal is the most expedient method to progress these minor matters without hindering the progress of the LEP. It is council's intention that these matters will be incorporated into Sutherland Shire's new Local Environmental Plan, when that plan is made by the Minister, as Amendment 1.

A. Relationship to strategic planning framework

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

The proposed rezonings and reclassifications in this planning proposal are minor in nature and are consistent with the broad policy directions contained in the draft *Metropolitan Strategy for Sydney* and the draft *South Subregional Strategy* (2007).

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

The planning proposal is not contrary to council's community plan known as *Our Shire Our Future: Our Guide for Shaping the Shire to 2030*. Matters addressed in this planning proposal will provide opportunities to deliver the desired outcomes of strengthening the community and providing diverse leisure opportunities.

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

The planning proposal is does not contravene any state environmental planning policies (SEPPs). See Appendix 2.

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

The planning proposal does not contravene any Ministerial Directions. See Appendix 3.

B Environmental, social and economic impact.

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

The proposed changes are minor. The planning proposal is not considered to result in any adverse impacts on critical habitat, threatened species, populations or ecological communities, or their habitats.

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

The proposed changes are minor and are unlikely to result in any environmental effects from the planning proposal.

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

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

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

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

- The proposed rezoning of part of 1-3 and 2-4 Gidji Road, Miranda from RE1 Public Recreation to R2 Low Density Residential is conditional upon the proprietors entering into an agreement with Council to create a Right of Carriageway over the subject lands to provide public access to the Ewey Creek corridor. Public access from Gidji Road is considered to be essential to the future utility of the Ewey Creek Corridor. Thus, the success of the Right of Carriageway agreement and subsequent rezoning has high social value.

- The proposed reclassification of 13R Pinnacle Street, Miranda is considered to result in positive social effects by facilitating improved pedestrian connectivity (effectively a shortcut) from an area proposed for increased residential density to the shops, public transport and other services available on the Kingsway.
- Rezoning three (3) sporting fields (once revoked from the Royal National Park) from E1 National Parks and Nature Reserves to RE1 Public Recreation will secure the tenure of these lands for the future recreational use of local residents and allow the improvements of these sites without the difficulty of NPWS approval (the use of which is contrary to the RNP Plan of Management). As Council is already maintaining these fields and sporting organisations are maintaining the facilities, the acquisition of these lands and formalising their use through the proposed zoning is not expected to not have a significant financial impact on the community.
- Rezoning 691 and 697 Old Illawarra Road, Illawong to reserve the land for the development of important community resources, such as the Menai Men's Shed and the Rural Fire Service, addresses important social and safety needs.
- The proposed rezoning of part of 75 Loftus Street, Bundeena (Bundeena Reserve) from RE1 Public Recreation to RE2 Private Recreation supports the economic viability of the Bundeena RSL Club, located on the adjoining land (69-71 Loftus Street) by allowing the development of a deck/outdoor eating area, making the club more 'family friendly'. It is also expected to make the club more attractive to visitors and residents.
- The proposed reclassification of the land at 9 Kingsway, Cronulla (currently operating as a small, poorly designed council car park) from 'community' to 'operational' will facilitate a wider range of economic uses of this site thus promote better economic outcomes.

C State and Commonwealth interests

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

The changes put forward in the planning proposal are minor in nature and unlikely to cause any impact on public infrastructure.

11. What are the views of the State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Not applicable at this stage.

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

See Appendix 4.

Part 5 - Details of the community consultation that is to be undertaken on the planning proposal. [Act s. 55(2)(e)]

Council proposes that the planning proposal be exhibited in accordance with any requirements as determined by the gateway process and the requirements of Section 29 of *the Local Government Act, 1993* and Section 57 the *Environmental Planning and Assessment Act, 1979*.

Council proposes to give notice of the public exhibition of the planning proposal:

- in the local newspaper (The St George and Sutherland Shire Leader and The Liverpool City Leader) and;
- on council’s web-site.

Part 6 - Project Timeline

Task	Estimated Completion Time	Dates
Submission of Planning Proposal to P&I	Complete	5 May 2014
Submission of amended Planning Proposal to P & I		
Gateway Determination	DP&E to determine	
Anticipated timeframe for the completion of required studies	N/A	Not required
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	During exhibition	
Commence exhibition and completion dates for public exhibition period	2 weeks to finalise exhibition documents, distribute to libraries & place advert in St George & Sutherland Leader and Liverpool City Leader. Four (4) weeks public consultation period.	
Finish Exhibition	28 days from commencement of	

	exhibition	
Dates for public hearing (if required)	Following exhibition Dates TBA 21 days from time from public notification in St George & Sutherland Leader and Liverpool City Leader	To be determined
Timeframe for consideration of submissions	Three weeks	
Timeframe for the consideration of a proposal post exhibition		
Report completed, mapping revised, instrument amended and report considered at Development Assessment and Planning (DAP) Committee		
Council meeting	To be determined	
Anticipated date Relevant Planning Authority will forward to the department for plan to be made	NA	
PC Opinion and plan made	Approx 3 weeks plus time for legislation website	
Anticipated commencement date		DP&E to determined