

PLANNING PROPOSAL

Sutherland Shire Local Environmental Plan 2015

Draft Amendment 8- Part 99R Acacia Road,
Sutherland (part Lot 11 DP 1103619) and part
42 Auburn Street, Sutherland (part Lot 200 DP
1110295)

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 2015 Amendment 8

LAND AFFECTED AND PROPOSED CHANGES

- Part 99R Acacia Road Sutherland (part Lot 11 DP 1103619)
 - o Reclassify approximately 445 m² from Community to Operational Land
 - o Rezone approximately 445m² from RE1 Public Recreation to R4 High Density Residential
 - o Apply development standards to the land to be zoned R4 – maximum FSR 1.5:1; maximum height of buildings 20m and minimum 30% landscape area
- Part 42 Auburn Street Sutherland (part Lot 200 DP 1110295)
 - o Rezone approximately 445 m² from R4 High Density Residential to RE1 Public Recreation
 - o Remove development standards from the land to be zoned RE1 - maximum FSR 1.5:1; maximum height of buildings 20m and minimum 30% landscape area

The rezoning and reclassification are to facilitate a land exchange to occur between Sutherland Shire Council (owner of the RE1 land) and Bupa Care Services Pty Ltd (owner of the R4 land). Bupa intends to develop the resultant R4 zoned site. The resultant RE1 Public Recreation land will be reconfigured into a regular rectangular shaped allotment, rather than as current - an 'L' shaped allotment.



Subject Site Locality Plan - Aerial photo 2015



Site Plan

- 42 Auburn Street (part Lot 200 DP 1110295) - 445sq.m. to be zoned RE1 and
- 99 Acacia Rd (part Lot 11 DP 1103619) - 445sq.m. to be reclassified as Operational land and zoned R4

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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 part of 99R Acacia Road Sutherland (part Lot 11 DP 1103619) from RE1 Public Recreation to R4 High Density Residential, which will allow a range of uses to be developed on the land, and to reclassify the land from Community to Operational. The associated development standards are to be applied. The Proposal also seeks to rezone an equal part of 42 Auburn Street Sutherland (part Lot 200 DP 1110295) from R4 High Density Residential to RE1 Public Recreation. This will regularise the shape of the public reserve land. The associated development standards are to be removed. The respective parcels of land to be rezoned and reclassified are identified in the attached Survey (Appendix 1).

The Council owned property at 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) was dedicated to Council as public reserve in 2006 when it was subdivided from the adjoining site at 42 Auburn Street, Sutherland. The site is currently vacant and inaccessible to the public (fenced by chainwire). Trees exist within the perimeter of the site and part of the site is covered by road base. The site was previously used as an access way to the former Telstra Depot. The land is not embellished as a park. The zoning of the subject land was changed from Special Uses (5a) Depot to part 2(c) Residential and 6(a) Public Recreation on 18 November 2005, as an amendment to Sutherland Shire Local Environmental Plan 2000.

The site at 42 Auburn Street, Sutherland (part Lot 200 DP 1110295) has frontage to Auburn Street, Old Princes Highway and Acacia Road and is owned by Health Care Property Funds Pty Ltd (Bupa). Approximately two thirds of the property at 42 Auburn Street has been developed by Bupa Care Services Pty Ltd and operates as a residential aged care facility (RACF) known as Bupa Sutherland. Approximately 4500 m² of vacant land on this site remains undeveloped. The vacant portion largely fronts Acacia Road and adjoins Council's land at 99R Acacia Road. A small portable site office fronts Acacia Road.

The Council owned portion, to be rezoned R4 High Density Residential (part 99R Acacia Road, Sutherland (part Lot 11 DP 1103619)) is land is to be exchanged with the Bupa owned portion, to be zoned RE1 Public Recreation (part 42 Auburn Street Sutherland (part Lot 200 DP 1110295)). Bupa has advised that it intends to develop the vacant portion of its site at 42 Auburn Street as a seniors housing development. Bupa has offered to enter in to an agreement to exchange the land with Council to regularise the shape of both land holdings. The proposed land exchange would result in Council having a rectangular-shaped land parcel - a better configuration for a future park, and the Bupa site would also be rectangular in shape which would better facilitate development for seniors housing development. The proposed land exchange would result in Council and Bupa retaining exactly the same area of land. There would be no net loss of RE1 Public Recreation zoned land to Council. Council has resolved to enter into a formal written Deed of Agreement documenting the terms of the land exchange, prior to finalisation of the rezoning and reclassification.

This land, once acquired by Council, will become automatically classified as Community Land after three months, in accordance with the Local Government Act 1993. Council resolved on 18 July 2015

(FAS007-17) to prepare a Planning Proposal to effect these changes to zoning and classification of land to facilitate the land exchange and development of the land.

PART 2 - EXPLANATION OF THE PROVISIONS

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

LEP Provision	Amendment
Schedule 4 Classification and reclassification of land	Amend Part 2 Land classified or reclassified as operational land –interests changed to include: part of 99R Acacia Road Sutherland (part Lot 11 DP 1103619) – interest (2) is to be discharged

See Appendix 6 for the statement related to this reclassification

The reclassification of each of the parcels from community to operational under Schedule 4 will enable the exchange of the land with adjoining owners. 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 in configuration of RE1 Public Recreation and R4 High Density Residential land. The Council land at 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) is classified as Community Land and this land requires reclassification of the portion proposed to be exchanged to Operational Land and rezoning from RE1 Public Recreation to R4 High Density Residential (with associated development standards), in order for the land to be exchanged. The portion of 42 Auburn Street, Sutherland to be acquired by Council in the exchange will require rezoning from R4 High Density Residential to RE1 Public Recreation. At its meeting of 4 July 2016 Council resolve (FAS007-17) to support an equal land exchange involving part of the Council owned land at 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) and part of the adjoining site at 42 Auburn Street, Sutherland (part Lot 200 DP 1110295).

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

A rezoning is required in order to reconfigure the zoning of the land. Reclassification and rezoning of 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.

In relation to 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) to be reclassified, the following interests are to remain on the land:

1. Reservations and conditions, if any, contained in the Crown Grant.
3. 695844 Land Excludes Minerals
4. DP1043269 Easement to drain water 2.3 metre (s) wide appurtenant to the land above mentioned

The following interests are to be discharged from the land:

2. The land within described is Public Reserve

The discharge of these interests from the land is necessary to facilitate the disposal of the land and to remove restrictions from the land to allow its use in accordance with the R4 zoning.

Section B – Relationship to strategic planning framework

3. 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 2 – A city of housing choice, with homes that meet our needs and lifestyles.
 - o Direction 2.1 – Accelerate housing supply across Sydney.
 - Action 2.1.3 – Deliver more housing by developing surplus or under-used Government land.

The reclassification will provide Council with the opportunity to change the configuration of land to better facilitate development. There will be no net loss in public land.

Draft South Subregional Strategy 2007: The draft South Subregional Strategy 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 area, guiding government investment and linking local and state planning issues.

The following directions and actions apply to the subject reclassifications:

- B2 – Increase densities in centres whilst improving liveability.
- B2.1 – Plan for housing in centres consistent with their employment role.

- C1 – Ensure adequate supply of land and sites for residential development.
- C2.1 – Focus residential development around centres, town centres, villages and neighbourhood centres

The Planning Proposal proposes the reclassification of Council owned land in proximity to Sutherland Centre from Community to Operational Land. The reclassification will provide Council with the opportunity to exchange the parcel of land to the adjoining owners to incorporate on their sites for residential development. Accordingly, the Planning Proposal is consistent with A Plan for Growing Sydney and the draft South Subregional Strategy.

4. 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 achieving. 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 direction, objectives and actions apply to the subject reclassifications and rezoning:

- *Housing for all – Housing accommodates Shire household structures and demographic changes.*

The Planning Proposal is consistent with the Strategy as it will facilitate the orderly development of land for residential purposes whilst preserving the extent of land available for public open space.

5. 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 and reclassification of the Council owned sites is not inconsistent with any of the SEPPs. However, further compliance and consistency with the SEPPs will need to be considered during the assessment of any future development application involving the subject sites.

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 bushland 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.

As noted previously in this report, the land to be rezoned From RE1 Public Recreation to R4 High Density Residential is currently vacant. Some trees located on the perimeter of the site along Acacia Road. Any development of the site would be required to be setback and the consideration of the trees assessed. The land does not contribute to the bushland within the Shire.

- SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land): The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy.

The planning proposal will reclassify underutilised Council owned Community Land to Operational Land which will permit the exchange of the site to the adjoining property owners for residential development. An equivalent parcel will be made available as RE1 Public Recreation land. This will promote the orderly and economic use and development of this surplus land.

6. 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 6.1 Residential Zones: The subject site is located within established residential areas with existing infrastructure and services. The Planning Proposal is consistent with the direction as the existing residential zones are maintained, it will not impact upon the supply of residential land or housing supply; and it makes efficient use of existing infrastructure and services.
- Direction 6.2 Reserving Land for Public Purposes: The planning proposal seeks to rezone part of 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) from RE1 Public Recreation to R4 High Density Residential in conjunction with the proposed reclassification of the land. This will permit the use of the land for residential development and subdivision in conjunction with the adjoining land. The Local Planning Directions require the approval of the Secretary of NSW Planning and Environment for this rezoning. Such approval will be sought as part of the progress of the Planning Proposal through the Gateway.

The Proposal is to revoke the Community Land status of this land. The Local Planning Directions also require the approval of the Secretary of NSW Planning and Environment for such removal of reservation. Such approval will be sought as part of the progress of the Planning Proposal on the basis that there will be no net loss of RE1 Public Recreation land as a similar portion of land at 42 Auburn Street, Sutherland (part Lot 200 DP 1110295) is to be rezoned from R4 High Density Residential to RE1 Public Recreation. The equal parcels of land are to be exchanged.

- 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 part of 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) will result in the application of the relevant development standards for the R4 High Density Residential zone to the site. Although this introduces development controls to the land to be reclassified, this is not inconsistent with the objective of the direction as it will not introduce restrictive site specific planning controls or

impose any additional development standards/requirements to those already applied to the R4 zone and therefore on the rest of the land forming part of 42 Auburn Street, Sutherland (Lot 200 DP 1110295).

- **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 reclassification 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

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 land contains an Endangered Ecological Community – Sydney Turpentine-Ironbark Forest, and possible remnant vegetation. The location of these species provides for a developable area within the site that would not impact upon the EEC. Further the site is protected through the SSLEP2015 Environmentally Sensitive Land – Biodiversity provisions that would require further consideration of potential impacts through the development assessment process.



EEC - Sydney Turpentine-Ironbark Forest and buffer



8. 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 change is and is unlikely to result in any environmental effects.

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

The reclassification of a small portion of 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) from 'Community Land' to 'Operational Land' and its rezoning from RE1 Public Recreation to R4 High Density Residential is of minimal impact as an equivalent portion of 42 Auburn Street, Sutherland (Lot 200 DP 1110295) to be zoned RE1 Public Open Space will be dedicated to Council. The use of a portion of 99R Acacia Road, Sutherland (part Lot 11 DP 1103619) for housing purposes is consistent with surrounding uses and would not result in an adverse social impact.

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

Land Zoning Map

99R Acacia Road, Sutherland (part Lot 11 DP 1103619)

Current Zone – RE1 Public Recreation



Proposed zone – R4 High Density Residential

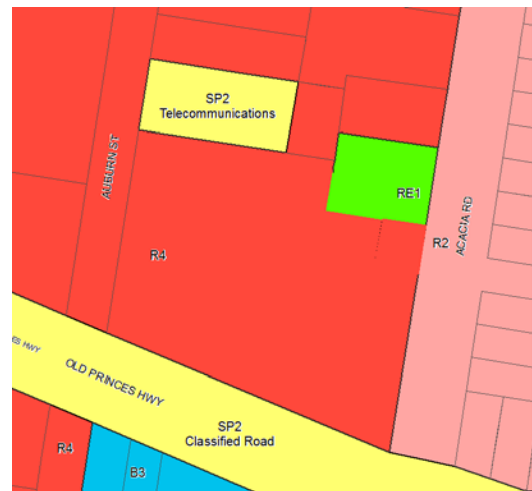


42 Auburn Street, Sutherland (Lot 200 DP 1110295) to be zoned RE1

Current Zone – R4 High Density Residential



Proposed zone – RE1 Public Recreation



Height of Buildings Map

99R Acacia Road, Sutherland (part Lot 11 DP 1103619)

Current Height of Buildings - NA



Proposed Height of Buildings – 20m
(consistent with zone – R4 High Density Residential)



42 Auburn Street, Sutherland (Lot 200 DP 1110295) to be zoned RE1

Current Height of Buildings - 20m (consistent
with zone – R4 High Density Residential)



Proposed Height - NA



Floor Space Ratio Map

99R Acacia Road, Sutherland (part Lot 11 DP 1103619)

Current Floor Space Ratio - NA



Proposed Floor Space Ratio – 1.5:1 (S1 consistent with zone – R4 High Density Residential) (Note: with mapped Area 12)



42 Auburn Street, Sutherland (Lot 200 DP 1110295) to be zoned RE1

Current Floor Space Ratio 1.5:1 (S1 consistent with zone – R4 High Density Residential)



Proposed Floor Space Ratio - NA



Landscape Area Map

99R Acacia Road, Sutherland (part Lot 11 DP 1103619)

Current Landscape Area - none



Proposed Landscape Area – 30% (E consistent with zone – R4 High Density Residential)



42 Auburn Street, Sutherland (Lot 200 DP 1110295) to be zoned RE1

Current Landscape Area – 30% (E consistent with zone – R4 High Density Residential)



Proposed Landscape Area - NA



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**.

In accordance with the NSW Department of Planning and Infrastructure’s Practice Note PL09-003 Classification and reclassification of public land through a local environmental plan, the planning proposal includes a written statement relating to each proposed reclassification, as required by the Practice Note.

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	November 2016
2. Exhibition Start	November 2016
3. End Exhibition	December 2016
6. Review and Consideration of submissions	January/February 2017
4. Public Hearing for Reclassification of Public Land	February 2017
5. Review and Consider Report from Public Hearing	February 2017
7. Report to Committee on submissions and public hearing	March 2017
8. Council Meeting	March 2017
9. Request for draft instrument to be prepared	April 2017

PART 7 – CONCLUSION

In summary, the Planning Proposal seeks the reclassification of:

- Part 99R Acacia Road Sutherland (part Lot 11 DP 1103619)
 - Reclassify approximately 445 m² from Community to Operational Land

The Planning Proposal also seeks the rezoning of:

- Part 99R Acacia Road Sutherland (part Lot 11 DP 1103619)
 - Rezone approximately 445m² from RE1 Public Recreation to R4 High Density Residential
 - Apply development standards to the land to be zoned R4 – maximum FSR 1.5:1; maximum height of buildings 20m and minimum 30% landscape area
- Part 42 Auburn Street Sutherland (part Lot 200 DP 1110295)
 - Rezone approximately 445 m² from R4 High Density Residential to RE1 Public Recreation
 - Remove development standards from the land to be zoned RE1 - maximum FSR 1.5:1; maximum height of buildings 20m and minimum 30% landscape area

The Council owned portion to be rezoned R4 High Density Residential (part 99R Acacia Road, Sutherland (part Lot 11 DP 1103619)) is land is to be exchanged with the Bupa owned portion to be zoned RE1 Public Recreation (part 42 Auburn Street Sutherland (part Lot 200 DP 1110295)). There will be no net loss of Public Recreation land.

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- Survey

Appendix 2 – 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		
	☐	☒	List any additional studies		
	☐	☒			

Appendix 3– Evaluation criteria for the issuing of an Authorisation

Appendix 4 – 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. The land contains an Endangered Ecological Community – Sydney Turpentine-Ironbark Forest, and possible remnant vegetation. The location of these species provides for a developable area within the site that would not impact upon the EEC. Further the site is protected through the LEP Environmentally Sensitive Land – Biodiversity provisions that would require further consideration of potential impacts upon 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 as it allows for the orderly redevelopment of land for higher density residential.
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	

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
SEPP No. 55 – Remediation of Land	Yes	The planning proposal is consistent with this policy. The land to be rezoned to RE1 Public Open Space, is currently zoned R4 High Density Residential. The land to be rezoned R4 High Density Residential is currently zoned RE1 Public Open Space. 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	
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	Yes	The planning proposal is consistent with this policy.
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 5 – 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.	N/A	
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	
Environment and Heritage		
2.1 Environment Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes	The site is not located within an Environmental Protection Zone; however, an Endangered Ecological

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
		Community (EEC) – Sydney Turpentine-Ironbark Forest – is located on the site. The proposed inconsistency is of minor significance, as there are adequate provisions within SSLEP2015 and draft SSDCP2015 that facilitate the protection and retention of the EEC. The environmental protection provided to the EEC through the LEP is not proposed to be amended.
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.	Yes	The proposal will provide facilitate the orderly development of Residential land. Development will provide for a variety of housing choice and broaden the selection of apartment living available in the Sutherland Shire.
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:	Yes	The planning proposal is consistent as the R4 land is within 800m radius of the railway station, services and shopping.

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
(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 distances travelled, especially by car, and (d) 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.	N/A	
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	N/A	

The objectives of this direction are: a) to protect life, property and the environment from bush fire hazards, by discouraging the 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.	N/A	
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.	Yes	The planning proposal seeks to rezone part of 99R Acacia Road Sutherland (part Lot 11 DP 1103619) from RE1 to R4 High Density Residential in conjunction with the proposed reclassification of the land. This will permit the development of the land for Seniors Housing. An equal part of 42 Auburn Street Sutherland (part Lot 200 DP 1110295) is proposed to be zoned from R4 High Density Residential to RE1 Public Recreation. There will be no net loss in RE 1Public Open Space land. The Local Planning Directions require the approval of the Secretary of NSW Planning and Environment for this rezoning. Such approval will be sought as part of the progress of the Planning Proposal through the Gateway. Council has resolved to enter in to an agreement to exchange part of Lot 11 in DP 1103619 (owned by Council) with part of Lot 200 in DP 1110295 (owned by Bupa) prior to the making of the plan.
6.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	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	ACTION 2.1.1: ACCELERATE HOUSING SUPPLY AND LOCAL HOUSING CHOICES The draft plan is consistent with the Planning Direction. The rezoning of the land to R4 High Density Residential will better facilitate a Seniors Housing development. The proposal will result in the application of the relevant development standards for the R4 zone to the site. Although this introduces development controls to the land to be reclassified, this is not inconsistent with the objective of the direction as it will not introduce restrictive site specific planning controls or impose any additional development standards/requirements to those already applied to the R4 zone and therefore on the rest of the land forming part of 42 Auburn Street Sutherland (part Lot 200 DP 1110295).
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	

Appendix 6 – Written Statements for the Reclassification of Land

As directed in PN 16-001 “Classification and reclassification of public land through a local environmental plan”, the following written statement is made in relation to the reclassification of part of **99R Acacia Road, Sutherland** from community to operational land.

Council’s ownership of the land, if this applies	Council is the owner of the land.
The nature of council’s interest in the land, e.g. council has a 50 year lease over the site	Council is the registered proprietor of the land.
How and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94	The site was originally acquired by Council in 2006 when it was dedicated to Council as consideration for Council facilitating the rezoning of the adjoining land to permit residential development. This parcel of land was subdivided from the adjoining site and zoned public open space.
The reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency	For future embellishment as a park
Any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement	On the reclassification of the land from community land to operational the land will be exchanged for an equal parcel of land on the adjoining property 42 Auburn Street, Sutherland. This will regularise the shape of both land parcels and result in a better planning and public amenity outcome. The terms of the exchange will require both parties to pay their own costs and there will be no payment by either party for the land being transferred as both parcels are of equal area.
An indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on	Upon reclassification if Council is to exchange this parcel of land with the adjoining property for an equal sized parcel both parties will benefit by the regularised shape of the resulting land parcels. It is not expected that either party will benefit financially from this land transfer.

comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre	
The asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially	The land parcel was dedicated to Council in 2006 for the creation of a public reserve, this dedication was consideration for the rezoning of the adjoining land to residential which was an intensification of use this site. The land exchange which will be enabled by the reclassification will provide Council with a regularised parcel of land on which a park will be embellished, providing a better public amenity outcome.
Whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.	A request from the adjoining owner of the land at 42 Auburn Street, Sutherland to exchange the land has been received. The contract for sale and deed of agreement required for this land transfer has not been finalised and is subject to reclassification of the land to operational land. The land exchange is proposed to occur once the land is reclassified from Community land to Operational Land. If the land exchange does not proceed with the adjoining neighbour the land will remain in Councils Ownership and be embellished as a park in its current irregular form.