

Planning Proposal for 78 Port Hacking Road, Sylvania

PREPARED BY:
STRATEGIC PLANNING UNIT



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Planning Proposal - 78 Port Hacking Road, Sylvania

Part 1- Objectives and intended outcomes

This report has been prepared by Sutherland Shire Council to amend the Sutherland Shire Local Environmental Plan (SSLEP2015) as it applies to Lot 1 DP 1284163. Specifically, the Planning Proposal seeks to rezone the land from SP2 Classified Road to R2 Low Density Residential.

The intended outcome of this planning proposal is to enable the future land owner formal use of the land that is currently road reserve.

Part 2- Explanation of provisions

This Planning Proposal seeks to amend Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) as it applies to Lot 1 DP 1284163.

Lot 1 DP 1284163 is a recently registered parcel of land on the eastern side of Port Hacking Road and adjacent to 76 Port Hacking Road, Sylvania. It is currently zoned SP2 Classified Road and is part of the Port Hacking Road reserve. This portion of the road reserve has contained a mixture of landscaping, footpath and asphalt for many decades and has been informally used for parking associated with the adjacent church. Prior to the development of the church it was used for parking associated with a plant nursery.

The Planning Proposal will rezone from SP2 Classified Road to R2 Low Density Residential. The land will have the same lot size, FSR, height and landscaped area as typically applied to zone R2. The site consists approximately 926m² of road reserve adjoining 76-84 Port Hacking Road, Sylvania (Lot 2 DP 534574) and 86 Port Hacking Road, Sylvania (Lot 1 DP 592591). The site is outlined in red below.



Figure 1: Location of subject site

Instrument Changes

Nil

Map Changes

| Existing Map | Proposed Map |
|--------------------------------------|---|
| Land Zoning Map: SP2 Classified Road | Land Zoning Map: R2 Low Density Residential |
| Height of Buildings Map: N/A | Height of Buildings Map: 8.5m |
| Floor Space Ratio Map: N/A | Floor Space Ratio Map: 0.55:1 |
| Landscape Area Map: N/A | Landscape Area Map: 35% |
| Lot Size Map: N/A | Lot Size Map: 700m2 |

Part 3- Justification of strategic and site-specific merit

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No. The planning proposal is the result of a Council resolution to rezone the land. At the meeting of Council on 16 November 2020, Council resolved:

Upon the road closure of the subject land, being approximately 926m2 of the road reserve adjoining:

- 76-84 Port Hacking Road, Sylvania Lot 2 DP534574; and
- 86 Port Hacking Road, Sylvania Lot 1 DP 592591;

a Planning Proposal be prepared and exhibited to amend the Sutherland Shire Local Environmental Plan 2015 to rezone the subject land from SP2 Classified Road to Zone R2 Low Density Residential, and to reclassify it as operational land.

The rezoning of the land will allow the future owner (Coptic Orthodox Church) to accommodate additional parking for the adjacent church.

Regarding the resolution to reclassify the land, as per the Local Government Act 1993 No. 30, a public road that was formerly vested in the council, on closing, remains vested in the council as operational land. Hence the subject site is already classified operational and thus reclassification is not required as part of the Planning Proposal.

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

Yes, an amendment to SSLEP 2015 to rezone the land is considered the best means of achieving the objectives and intended outcomes. There is no public benefit in the land remaining zoned SP2 Classified Road.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Assessment Criteria – Strategic Merit

Does the proposal:

- Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or
- Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or
- Respond to a change in circumstances that has not been recognised by the existing planning framework

Yes. The planning proposal is consistent with the planning priorities of the Greater Sydney Region Plan and South District Plan as detailed under the relevant subheadings below.

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission finalised the *Greater Sydney Region Plan: A Metropolis of Three Cities*. The Plan presents a strategy for managing growth and change and intends to guide infrastructure delivery over the next 40 years. The Plan has been prepared in conjunction with the NSW Government's *Future Transport Strategy 2065*. The relevant objectives of the Region Plan are addressed in the table below:

| Objective | Comments |
|---|--|
| A city supported by infrastructure | |
| Objective 1: Infrastructure supports the three cities Objective 4: Infrastructure use is optimised | The planning proposal results in R2-zoned land close to public transport, open space, schools, services etc. |
| A city for people | |
| Objective 6: Services and infrastructure meet communities' changing needs Objective 7: Communities are healthy, resilient and socially connected | The site is proximal to public transport, open space, schools, services etc. Its walkable location promotes social connection and active lifestyles. |
| A city of great places | |
| Objective 12: Great places that bring people together | The planning proposal will allow for the adjacent church to formally provide parking on its own future land. This will contribute to the functionality of the church and promote its ability to bring people together. |
| Objective 13: Environmental heritage is identified, conserved and enhanced | There are no items of environmental heritage on or in immediate proximity to the site. |
| A well-connected city | |
| Objective 14: <i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities | The site is within 30 minutes (and walkable distance) of transport options, residential land uses, services, open space etc. |
| A city in its landscape | |

| | |
|--|---|
| <p>Objective 25: The coast and waterways are protected and healthier</p> <p>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</p> <p>Objective 30: Urban tree canopy cover is increased.</p> | <p>Any future development on the site will require a development application, and at this stage the health of nearby waterways can be protected. The site is mapped within 50m of riparian lands and watercourses and within 100m of biodiversity mapping.</p> <p>While the site does contain mature trees, it is not mapped as environmentally sensitive land and the trees are not identified on vegetation communities mapping. There is no current minimum landscaped area requirement. The application of the R2 zone will result in a minimum 35% landscaped area requirement being applied to any future development of the site under Clause 6.14 of SSLEP2015, which will assist in ensuring the protection and enhancement of vegetation on site.</p> |
| A resilient city | |
| <p>Objective 37: Exposure to natural and urban hazards is reduced</p> | <p>The site is not mapped as bush fire prone or contaminated and is not mapped under Council's Sea Level Rise Policy. It is partially mapped as having 'Known Risk' of flooding and partially affected by the Probable Maximum Flood.</p> <p>The site is mapped as being affected by Class 3 and Class 5 acid sulfate soils. Acid sulfate soils will need to be assessed and managed in accordance with the Acid Sulfate Soils Management Plan (ASSMAC) and any relevant guidelines during development of the site. Clause 6.1 of Sutherland Shire Council Local Environment Plan (SSLEP) 2015 details the requirements of developing in an acid sulfate soils area.</p> |

South District Plan

In March 2018, the Greater Sydney Commission finalised the *South District Plan*. The Plan presents a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the 40 year vision for Greater Sydney. The relevant objectives of the Region Plan are addressed in the table below:

| Planning Priority | Comments |
|--|---|
| Infrastructure and collaboration | |
| <p><u>Planning Priority S1: Planning for a city supported by infrastructure</u></p> <p>Objective 1: Infrastructure supports the three cities</p> <p>Objective 4: Infrastructure use is optimised</p> | <p>The planning proposal results in operational R2 zoned land, which is close to public transport, open space, schools, services.</p> |

| Liveability | |
|--|---|
| <u>Planning Priority S3: Providing services and social infrastructure to meet people's changing needs</u> Objective 6: Services and infrastructure meet communities' changing needs <u>Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities</u> Objective 7: Communities are healthy, resilient and socially connected | The site is close to public transport, open space, schools, services. Its location within walkable distance of these promotes social connection and active lifestyles. |
| Productivity | |
| <u>Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city</u> Objective 14: <i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities | The site is within 30 minutes (and walkable distance) of transport options, residential land uses, services, open space etc. |
| Sustainability | |
| <u>Planning Priority S13: Protecting and improving the health and enjoyment of the District's waterways</u> Objective 25: The coast and waterways are protected and healthier | Any future development on the site can be designed to protect the health of nearby riparian land and watercourses at the Development Application stage. |
| <u>Planning Priority S14: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas</u> Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced | <p>While the site does contain mature trees, it is not mapped as environmentally sensitive land and the trees are not identified on vegetation communities mapping.</p> <p>There is no current minimum landscaped area requirement. The application of the R2 zone will result in a minimum 35% landscaped area requirement being applied to any future development of the site under Clause 6.14 of SSLEP2015, which will assist in ensuring the protection and enhancement of vegetation on site.</p> |
| <u>Planning Priority S15: Increasing urban tree canopy cover and delivering Green Grid connections</u> Objective 30: Urban tree canopy cover is enhanced | Refer above comments. Note that the site is within 100m of mapped Green Grid links, and within 50m of a Greenweb Support area. |
| <u>Planning Priority S18: Adapting to the impacts of urban and natural hazards and climate change</u> Objective 37: Exposure to natural and urban hazards is reduced | <p>The site is not mapped as bush fire prone or contaminated and is not mapped under Council's Sea Level Rise Policy.</p> <p>It is partially mapped as having 'Known Risk' of flooding and partially affected by the Probable Maximum Flood. Flooding can be managed in accordance with the Gwawley Bay Catchment</p> |

| | |
|--|--|
| | <p>Floodplain Risk Management Study and Plan prepared by FloodMit in 2015.</p> <p>Any proposed development will be further assessed at the DA stage to determine appropriate development measures to mitigate flooding.</p> <p>The site is mapped as affected by Class 3 and Class 5 acid sulfate soils. Acid sulfate soils will need to be assessed and managed in accordance with the Acid Sulfate Soils Management Plan (ASSMAC) and any relevant guidelines during development of the site. Clause 6.1 of Sutherland Shire Council Local Environment Plan (SSLEP) 2015 details the requirements of developing in an acid sulfate soils area.</p> |
|--|--|

Assessment Criteria – Site-Specific Merit

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

- The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)
- Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates
- 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 *Local Environmental Plan Making Guideline* states that sections C, D and E in Table 3 of the Guideline are to be included in the planning proposal to demonstrate that the proposal is suitable for the site, and that the site is or can be made suitable for resultant development. The relevant questions and considerations are addressed below at Questions 8-12.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Council's Local Strategic Planning Statement (LSPS) articulates the vision of how places and land use in Sutherland Shire will be described in 20 years' time (effective 15 September 2020).

| LSPS | Comments |
|--|---|
| Planning Priority 2: Managing traffic congestion and parking | The proposed rezoning will allow members of the community who are reliant on private vehicular transport access to off-street parking, whilst the proximity of the site also allows for easy access to public transport, aligning with Council's priority of managing traffic congestion. |

| | |
|--|--|
| Planning Priority 9: Community Connections | The proposal will allow the community better access and facilitate increased future use. |
| Planning Priority 20: Urban Tree Canopy | The current zoning of the site has no minimum landscaped area. Rezoning to R2 will mean that any future development will be required to have a minimum 35% landscaped area, ensuring that urban tree canopy is maintained. |

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no applicable State or regional studies relevant to the planning proposal.

Q6. Is the planning proposal consistent with applicable SEPPs?

Yes, the Planning Proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs).

| SEPP | Comments |
|--|--|
| SEPP (Biodiversity and Conservation) 2021 | No provisions of the Planning Proposal affect a future DA's ability to comply with the SEPP. |
| SEPP (Exempt and Complying Development Codes) 2008 | None. No provisions of the Planning Proposal affect exempt and complying development policy. |
| SEPP (Housing) 2021 | Following the planning proposal, the site will be zoned R2 and this SEPP will apply. The rezoning of the site is not inconsistent with the provisions of this SEPP. |
| SEPP (Planning Systems) 2021 | This SEPP does not apply. |
| SEPP (Resilience and Hazards) 2021 | The site is partially mapped in the Coastal Use Area and Coastal Environment Area, so this SEPP does apply. However, no provisions of the Planning Proposal affect a future DA's ability to comply with the SEPP. |
| SEPP (Sustainable Buildings) 2022 | No provisions of the Planning Proposal affect a future DA's ability to comply with the SEPP. |
| SEPP (Transport and Infrastructure) 2021 | The subject land is currently part of the Port Hacking Road corridor (classified road). Following the planning proposal, the site will front the classified road. The rezoning of the site is not inconsistent with the provisions of this SEPP. |

Q7- Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

| Direction | Comment |
|--------------------------------------|---------|
| Focus Area 1: Planning System | |

| Direction | Comment |
|--|--|
| 1.1 Implementation of Regional Plans 1.2 Development of Aboriginal Land Council land 1.3 Approval and Referral Requirements 1.4 Specific Provisions 1.5 - 1.7 Place Based | <p>Direction 1.1 Regional Plans The analysis provided in Part 3 demonstrates that the Planning Proposal has strategic alignment with the Greater Sydney Region Plan: A Metropolis of Three Cities and the South District Plan.</p> <p>Direction 1.2 Development of Aboriginal Land Council Land Not applicable.</p> <p>Direction 1.3 Approval and Referral The planning proposal is consistent with this direction. It does not include provisions requiring development applications to have Ministerial or public authority input and does not identify development as designated development.</p> <p>Direction 1.4 Site Specific Provisions This proposal is consistent with the direction. The amendments to the local environmental plan that are proposed rezone the site to an existing zone in the environmental planning instrument, without imposing any development standards or requirements in addition to those already contained in that zone.</p> <p>Direction 1.5- 1.17 Place Based Not applicable.</p> |
| Focus Area 2: Design and Place | |
| Not Implemented | |
| Focus Area 3: Biodiversity and Conservation | |
| 3.1 Conservation zones 3.2 Heritage Conservation 3.3 Sydney Drinking Water Catchment 3.4 Application of C2 and C3 Zones in Far North Coast LEPs 3.5 Recreational Vehicles 3.6 Strategic Conservation Planning 3.7 Public Bushland 3.8 Willandra Lakes Region 3.9 Sydney Harbour Foreshores and Waterways Area 3.10 Water Catchment Protection | <p>Direction 3.1 Conservation Zones Not applicable</p> <p>Direction 3.2 Heritage Conservation The site is mapped in the SSDCP 2015: Aboriginal Heritage - high archaeological sensitivity. Any impact can be managed at DA stage.</p> <p>Direction 3.3 Sydney Drinking Water Catchments Water NSW will be consulted during the exhibition of this planning proposal.</p> <p>Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</p> |

| Direction | Comment |
|--|---|
| | <p>Not applicable</p> <p>Direction 3.4 Recreation Vehicle Areas Not applicable</p> <p>Direction 3.6 Strategic Conservation Planning Not applicable</p> <p>Direction 3.7 Public Bushland The proposal is consistent with this direction and does not impact upon the urban bushland areas of the Sutherland Shire. It is not environmentally sensitive land or identified on Greenweb or vegetation community mapping.</p> <p>Direction 3.8 Willandra Lakes Region Not applicable</p> <p>Direction 3.9 Sydney Harbour Foreshores and Waterways Area Not applicable</p> <p>Direction 3.10 Water Catchment Protection Not applicable</p> |
| Focus Area 4: Resilience and Hazards | |
| <p>4.1 Flooding</p> <p>4.2 Coastal Management</p> <p>4.3 Planning for Bushfire Protection</p> <p>4.4 Remediation of Contaminated Land</p> <p>4.5 Acid Sulfate Soils</p> <p>4.6 Mine Subsidence and Unstable Land</p> | <p>Direction 4.1 Flooding The site is partially mapped as having 'Known Risk' of flooding and partially affected by the Probable Maximum Flood. Flooding can be managed in accordance with the Gwawley Bay Catchment Floodplain Risk Management Study and Plan prepared by FloodMit in 2015.</p> <p>Any proposed development will be further assessed at the DA stage to determine appropriate development measures to mitigate flooding. An extended response is attached as <i>Response to Gateway Condition 1.(c)</i></p> <p>Direction 4.2 Coastal Management Not applicable</p> <p>Direction 4.3 Planning for Bushfire Protection Not applicable</p> <p>Direction 4.4 Remediation of Contaminated Land Not applicable</p> |

| Direction | Comment |
|---|---|
| | <p>Direction 4.5 Acid Sulfate Soils Acid sulfate soils will need to be assessed and managed in accordance with the Acid Sulfate Soils Management Plan (ASSMAC) and any relevant guidelines during development of the site. Clause 6.1 of Sutherland Shire Council Local Environment Plan (SSLEP) 2015 details the requirements of developing in an acid sulfate soils area.</p> <p>Direction 4.6 Mine Subsidence and Unstable Land Not applicable</p> |
| Focus Area 5: Transport and Infrastructure | |
| <p>5.1 Integrating Land Use and Transport</p> <p>5.2 Reserving Land for Public Purposes</p> <p>5.3 Development Near Regulated Airports and Defence Airfields</p> <p>5.4 Shooting Ranges</p> | <p>Direction 5.1 Integrating Land Use and Transport The proposal is consistent with this direction.</p> <p>Direction 5.2 Reserving Land for Public Purposes Not applicable.</p> <p>Direction 5.3 Development Near Regulated Airports and Defence Airfields Not applicable</p> <p>Direction 5.4 Shooting Ranges Not applicable</p> |
| Focus Area 6: Housing | |
| <p>6.1 Residential Zones</p> <p>6.2 Caravan Parks and Manufactured Home Estates</p> | <p>Direction 6.1 Residential Zones The proposal is consistent with this direction. Rezoning from SP2 to R2 increases residential zoned land in an accessible location that is already serviced.</p> <p>Direction 6.2 Caravan Parks and Manufactured Home Estates Not applicable</p> |
| Focus Area 7: Industry and Employment | |
| <p>7.1 Business and Industrial Zones</p> <p>7.2 Reduction in non-hosted short term rental accommodation period</p> <p>7.3 Commercial and Retail Development along the Pacific Highway North Coast</p> | <p>Direction 7.1 Industry and Employment Not applicable</p> <p>Direction 7.2 Reduction in non-hosted short-term rental accommodation period Not applicable</p> <p>Direction 7.3 Commercial and Retail Development along the Pacific Highway, North Coast Not applicable</p> |

| Direction | Comment |
|--|--|
| Focus Area 8: Resources and Energy | |
| 8.1 Mining, Petroleum and Extractive Industries | Direction 8.1 Mining, Petroleum Production and Extractive Industries Not applicable |
| Focus Area 9: Primary Production | |
| 9.1 Rural Zones 9.2 Rural Lands 9.3 Oyster Aquaculture 9.4 Farmland of State or Regional Significance | Direction 9.1 Rural Zones Not applicable Direction 9.2 Rural Lands Not applicable Direction 9.3 Oyster Aquaculture Not applicable Direction 9.4 Farmland of State and Regional Significance on the NSW Far North Coast Not applicable |

Q8 – 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. There are no threatened species or ecological communities located on the site. Although the site is not within a Greenweb corridor, the site is adjacent to the Greenweb Core and Greenweb support areas of Gwawley Creek and Sylvania High School. Rezoning to R2 Low Density Residential with its associated 35% minimum landscaped area requirement presents opportunities to support this biodiversity corridor by retaining any remnant species and replanting locally indigenous species on the site.

Q9 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Flood risk and stormwater management

The site is partially mapped as having 'Known Risk' of flooding and partially affected by the Probable Maximum Flood. Council's Stormwater Engineering Unit has advised that flooding can be managed in accordance with the Gwawley Bay Catchment Floodplain Risk Management Study and Plan prepared by FloodMit in 2015.

Any proposed development will be further assessed at the DA stage to determine appropriate development measures to mitigate flooding.

Contamination and acid sulphate soils

The site is listed as containing Class 3 and Class 5 acid sulphate soils. Council's Environmental Science Unit has advised that acid sulfate soils will need to be assessed and managed in accordance with the Acid Sulfate Soils Management Plan (ASSMAC) and any relevant guidelines during development of the site. Clause 6.1 of Sutherland Shire Council Local Environment Plan (SSLEP) 2015 details the requirements of developing in an acid sulfate soils area.

Q10- Has the planning proposal adequately addressed any social or economic effects?

The planning proposal is minor in nature and is not anticipated to have any significant social or economic effects.

Q11. Is there adequate public infrastructure for the planning proposal?

Yes. Any future redevelopment of the site will be serviced by the existing public infrastructure and services including connections to power, telecommunications, water and sewerage.

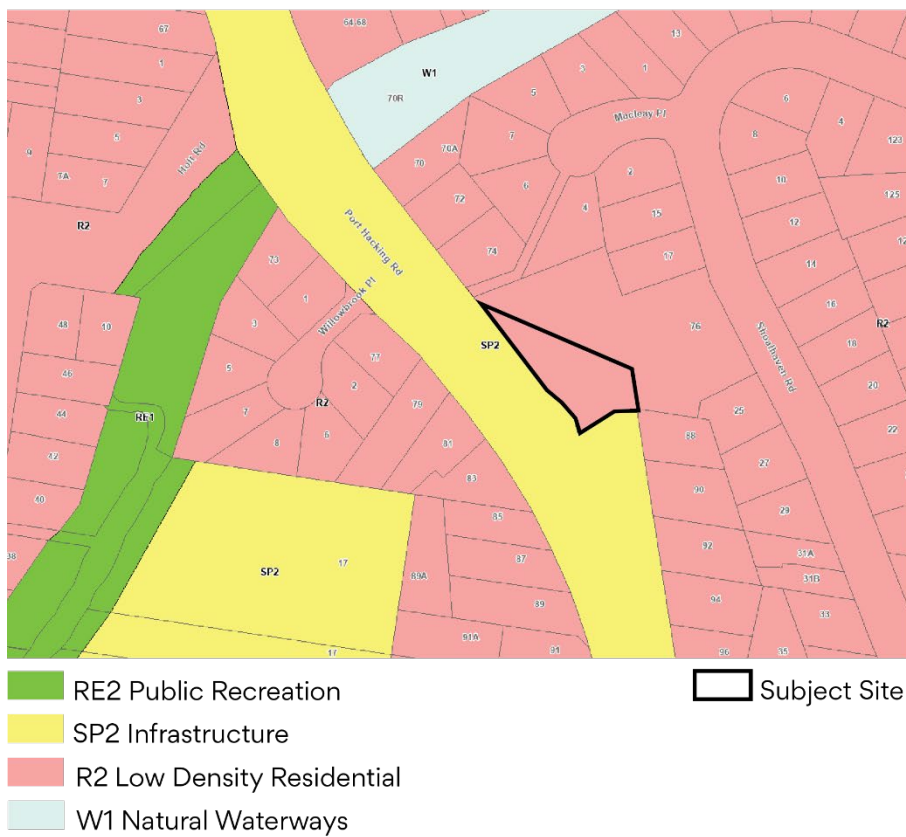
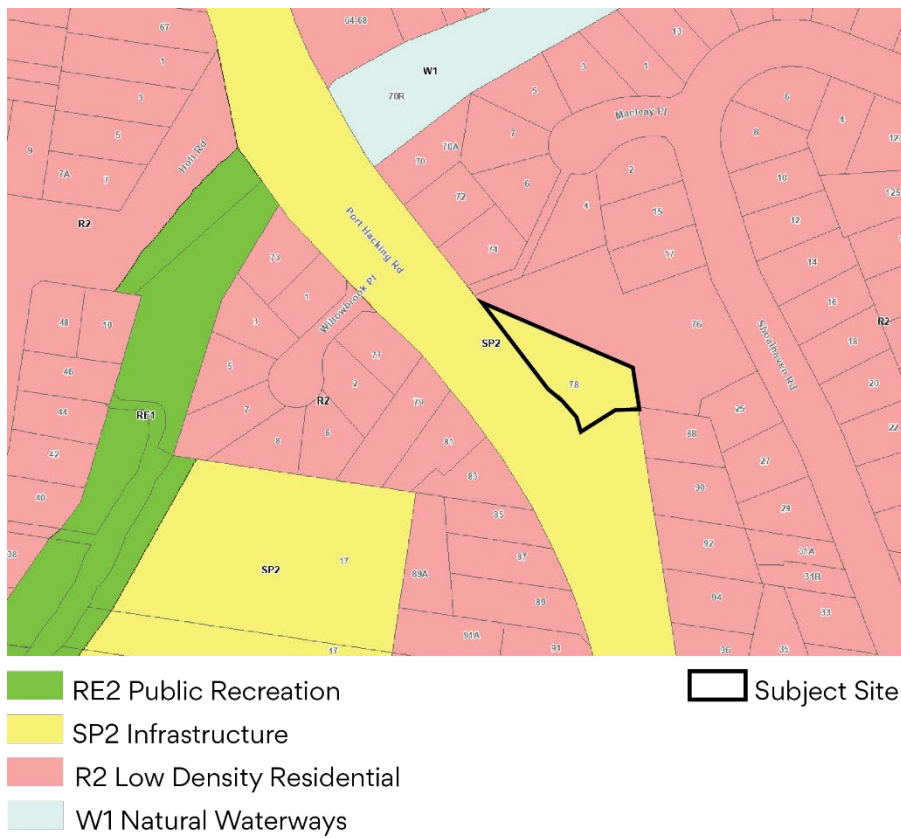
Q12 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

Part 4- Maps

The proposed amendments to the SSLEP 2015 maps including the Land Zoning Map (Fig. 2), Floor Space Ratio Map (Fig. 3), Height of Buildings Map (Fig. 4), Landscaped Area Map (Fig. 5) and Lot Size Map (Fig. 6) are included in the following pages.

Land Zoning Map (Fig. 2)



Floor Space Ratio Map (Fig. 3)

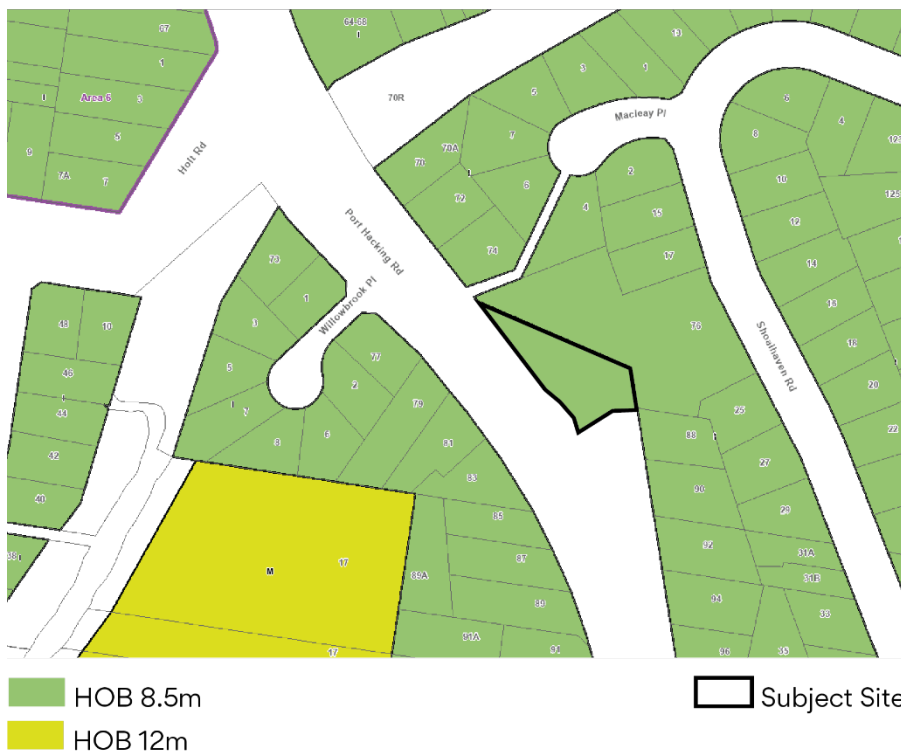
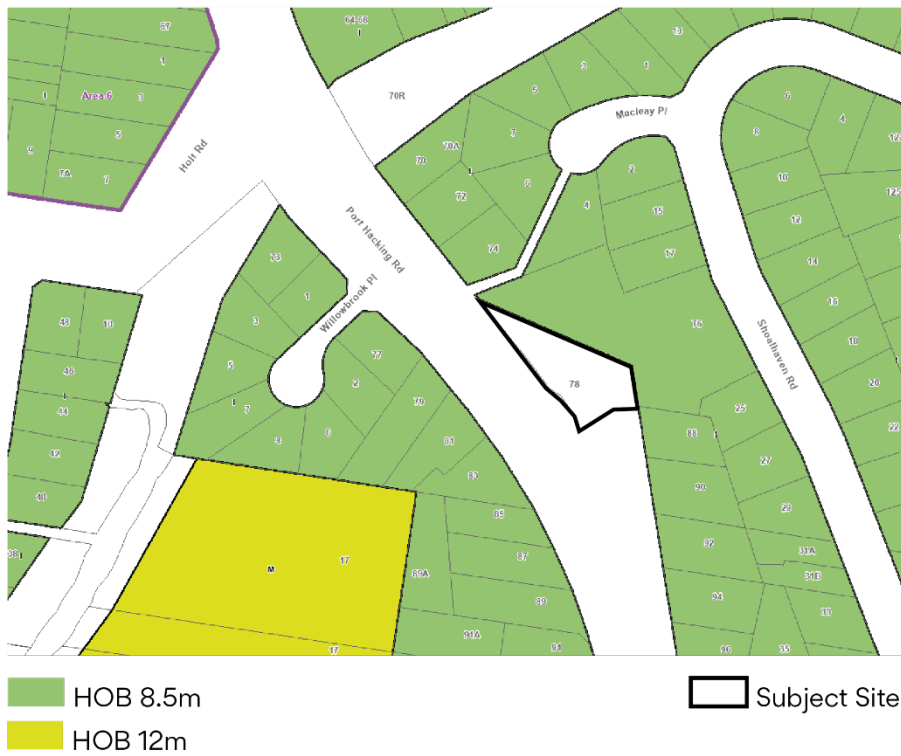


FSR 0.55:1 Subject Site

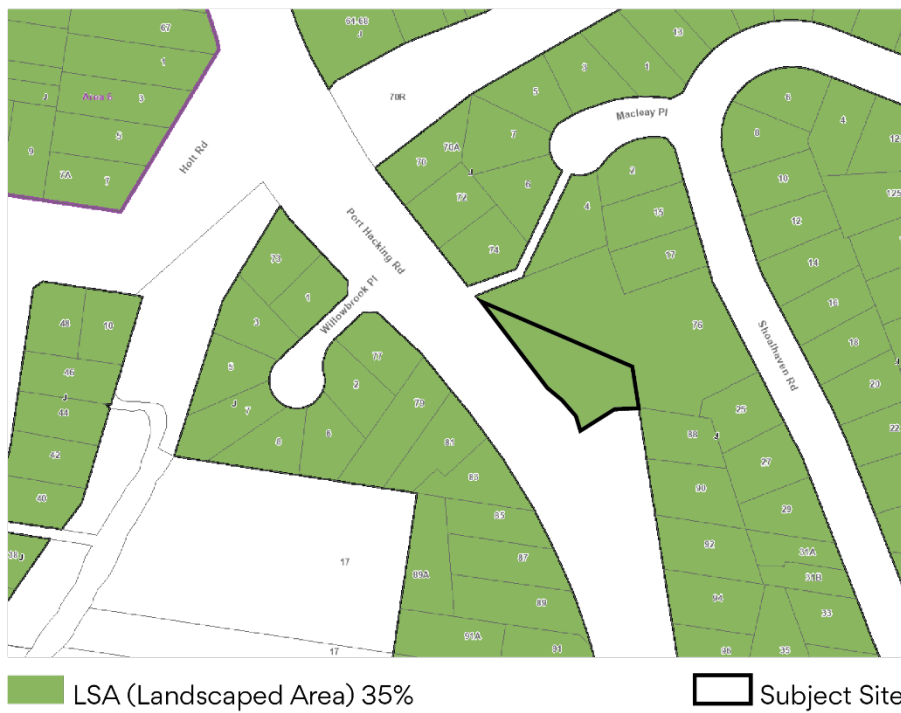
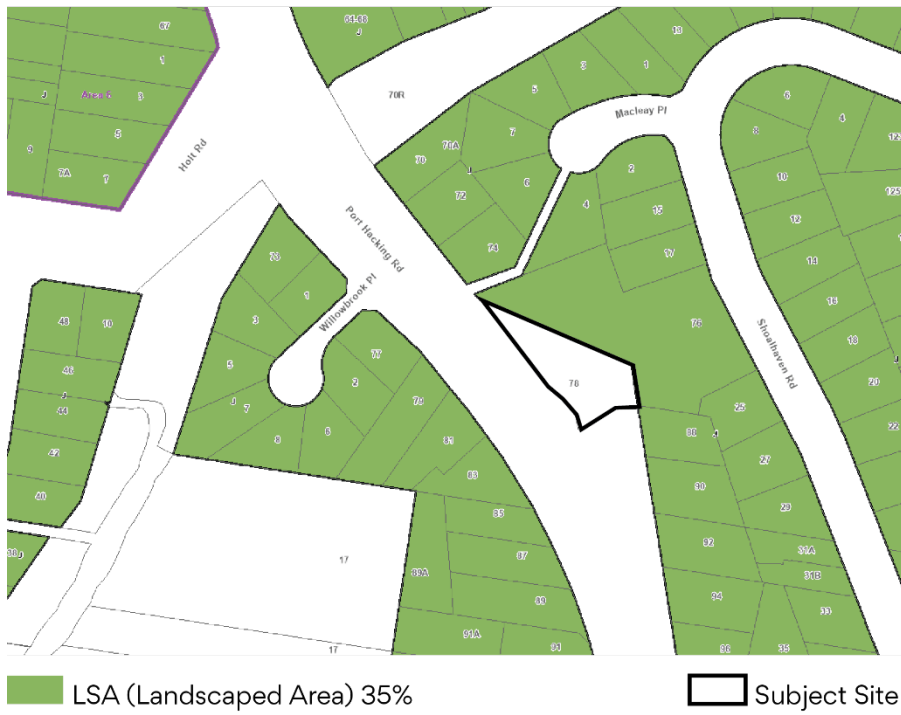


FSR 0.55:1 Subject Site

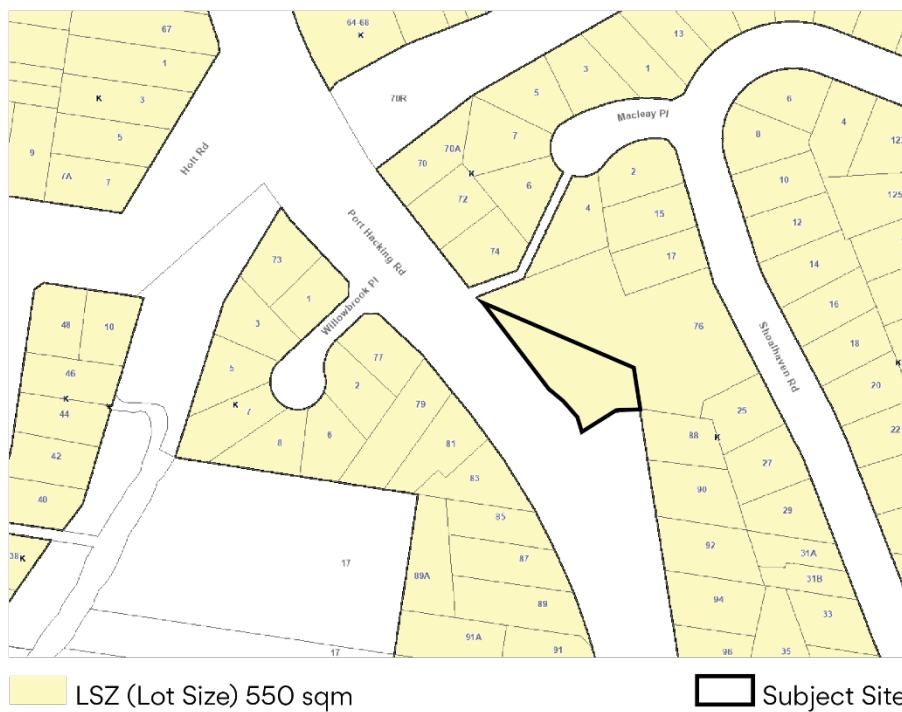
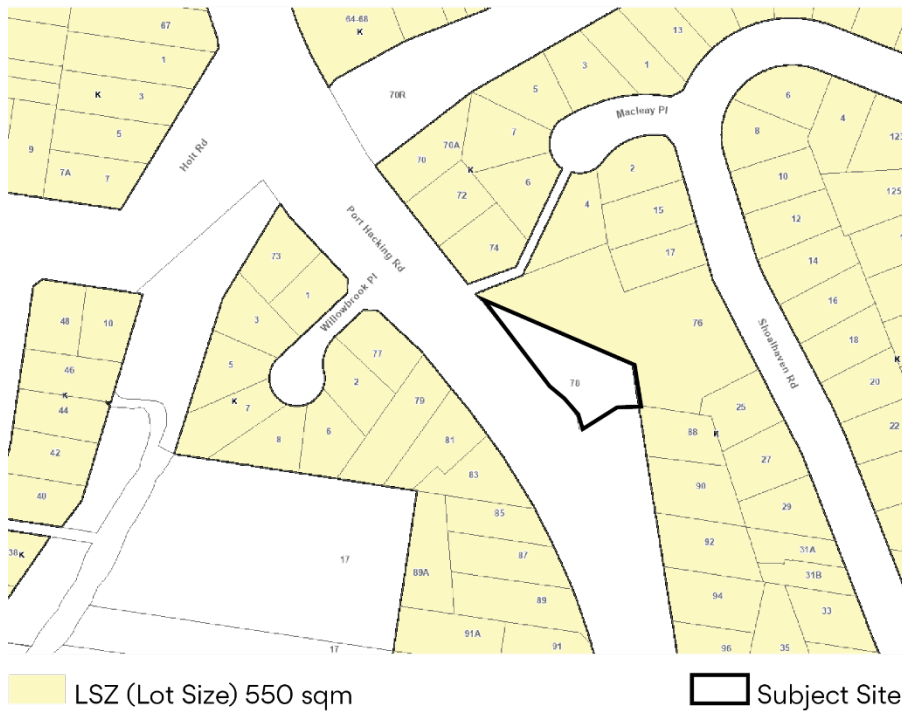
Height Of Buildings Map (Fig. 4)



Landscaped Area Map (Fig. 5)



Lot Size Zoning Map (Fig. 6)



Part 5- Community consultation

In accordance with the community participation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021 the planning proposal will be exhibited for a period of 28 days unless a longer time period is specified by the gateway determination.

The Sutherland Shire Community Engagement Strategy 2023 specifies that planning proposals of this nature that are required to undertake engagement use the following methods at a minimum:

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.

Council online website

The Planning Proposal will be exhibited on the Council consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from Council's home page.

Letters

Letters will be distributed to proximal landowners.

Part 6- Project timeline

| Milestones | Timing |
|--|--------------------|
| Gateway determination | March 2024 |
| Exhibition start | March – April 2024 |
| Exhibition end | April – May 2024 |
| Review and consideration of submissions | May 2024 |
| Report to Committee on submissions | June 2024 |
| Council meeting | June 2024 |
| Request for LEP amendment to be prepared | July – August 2024 |