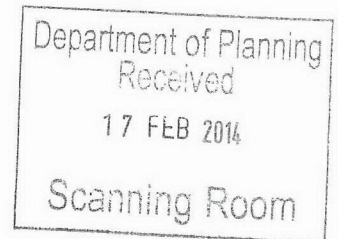


PCU51596

Kenneth Howard  
23 Garvan Road  
HEATHCOTE NSW 2233

12 February 2014

Dr John Roseth & Ms Meredith Sussex  
C/- Marian Pate  
Sutherland LEP Review  
NSW Department of Planning and Infrastructure  
Po Box 39  
SYDNEY NSW 2001



**SUBMISSION ON THE AMENDED DRAFT SUTHERLAND LEP 2013  
REZONING OF LAND IN HEATHCOTE TO SP2 (ELECTRICITY TRANSMISSION)**

Dear Dr Roseth and Ms Sussex,

I write to you with regards to the Independent Review of the Draft Sutherland Shire LEP 2013. I attach a copy of my original submission made on the second round of exhibition and my comments made at that time remain steadfast. As yet, I do not have the knowledge of staff or elected Council's response to my submission made in late October. As a result I will summarise my concerns briefly and ask you to kindly reference my original submission for further details and additional comments.

My submission objects to the proposed zoning change Lots 30 and 38 in DP 752033 from 'Zone 14 Public Open Space (Bushland)' to 'SP2 Infrastructure (Electricity Transmission)'. During the first round of public exhibition of the Draft LEP 2013, Council received a submission from a planning consultant on behalf of Ausgrid, requesting the rezoning of the site mentioned from an 'Environmental' zoning to an 'Infrastructure' zoning. This change was buried within a number of minor changes to existing substations in the Sutherland Shire by the consultant.

**I am concerned this may be the basis for expanded facilities in the form of substations and additional wiring etc. There is ample space for such facilities elsewhere on Crown Land surrounding the industrial estate to the north, NOT in front of houses.**

Significantly, it is noted that all objectives relating to the protection of the environment, bushland or natural corridors have been removed with the proposed zoning change. The primary objective of the land has become entirely related to the purpose of infrastructure. It is acknowledged that the existing transmission definitely has a purpose and is an important factor of the land but by and large appropriate objectives of the zone would be the continued preservation of the natural environment. **It is clearly demonstrated that the SP2 zone is an incorrect selection for the subject area and for this reason is inconsistent with the overarching values of the Environmental Planning and Assessment Act 1979.**

*PTO.-*


Additional information MUST be sought on the basis for the rezoning before simply agreeing to Ausgrid's requests. This decision by Council is not within best practice planning outcomes and makes a mockery of a rezoning process which is much more rigorous under the typical (and expensive) Gateway Planning Proposal process. **In this instance the Council has not considered any environmental or social concerns related to the proposed zoning change.**

Significantly, I also wish to raise a important aspect regarding the Council's administrative dealings with this matter. Under the amended draft LEP, there has not been any meaningful public consultation or engagement with regards to this important change. The subject site was rushed through in the Mayoral Minute with 75 other changes and the real location of the was not even made aware to residents. How are residents reasonable expected to know that a Lot and DP number relates to a 4.4 hectare portion of bushland across adjacent to their property? No location was described! There were no letters sent to residences opposite the proposed rezoned area. The inconsistency with regards to Council's consultation in relation to rezoning matters under the Draft LEP process is inexcusable and more needs to be done before any rezoning of the area in question. This change was simply swept under the carpet by Council Staff and the Mayor.

In summary, I thank you for the opportunity to comment on the Independent Review process for the amended Draft Sutherland LEP. For the reasons outlined in this submission, it is my view that the rezoning of Lots 30 and 38 in DP 752033 within Heathcote not proceed and that the zoning revert to 'E2 Environmental Conservation' as per the first round of public exhibition.

I trust that this submission is self explanatory, however, should you require any further clarification or to discuss this further, I can be reached on 0401 250 283.

Yours faithfully,



Mr Kenneth Howard

No. 23 Garvan Road, Heathcote



**Council Ref:** LP/03/79340

31 October 2013

The General Manager  
Sutherland Shire Council  
Locked Bag 17  
**SUTHERLAND NSW 1499**

Dear Mr Rayner,

**SUBMISSION ON THE AMENDED DRAFT SUTHERLAND LEP 2013  
REZONING OF LAND IN HEATHCOTE TO SP2 (ELECTRICITY TRANSMISSION)**

I refer to the *Amended Draft Sutherland Shire LEP (SSLEP) 2013* file number LP/03/79340 which is on re-exhibition from 17 August to 31 October, 2013. This submission objects to the proposed zoning change Lots 30 and 38 in DP 752033 and ultimately to rezone these parcels to zone E1 National Parks and Nature Reserves.

By way of background, I have owned a property at No. 23 Garvan Road, Heathcote since 1983, a total of 30 years. Within this time I have built a house and raised a family, which is consistent with most other properties within this street and within the local area.

The area in question (as listed above) are portions of crown land which presently remains undeveloped, with the notable exception of electricity transmission lines. This area is heavily vegetated with a variety of native flora and fauna species. A recent aerial photo of the sites is provided below at Figure 1 and a wide angle photographs of the area from No. 23 Garvan Road provided at Figure 2 and 3.



**Figure 1: Current aerial photo of the land in question (outlined in red)**



***Figure 2: Panoramic photo from the rooftop of No. 23 Garvan Road***



***Figure 3: Panoramic photo from the rooftop of No. 23 Garvan Road***



The area in questions is approximately 4.4 hectares and at its greatest extent measures nearly 300m long. Make no mistake, this is a significant land holding and requires thorough planning. With regard to the current planning designations, the parcels of land are presently within Zone 14 – Public Open Space (Bushland) pursuant to SSLEP 2006. The particulars of this zone are as follows:

**"Zone 14 - Public Open Space (Bushland)"**

**1 Objectives of zone**

*The objectives of this zone are as follows:*

- (a) to enable development that facilitates recreation and preserves natural bushland areas located on publicly owned land,*
- (b) to allow development that does not adversely affect natural bushland or wildlife corridors,*
- (c) to protect public open space that is of environmental significance,*
- (d) to ensure that flora and fauna habitats are protected and preserved for their aesthetic, educational and scientific value.*

**2 Development allowed without consent**

*Development for the purpose of:*

*Bush fire hazard reduction work, bushland regeneration and exempt development.*

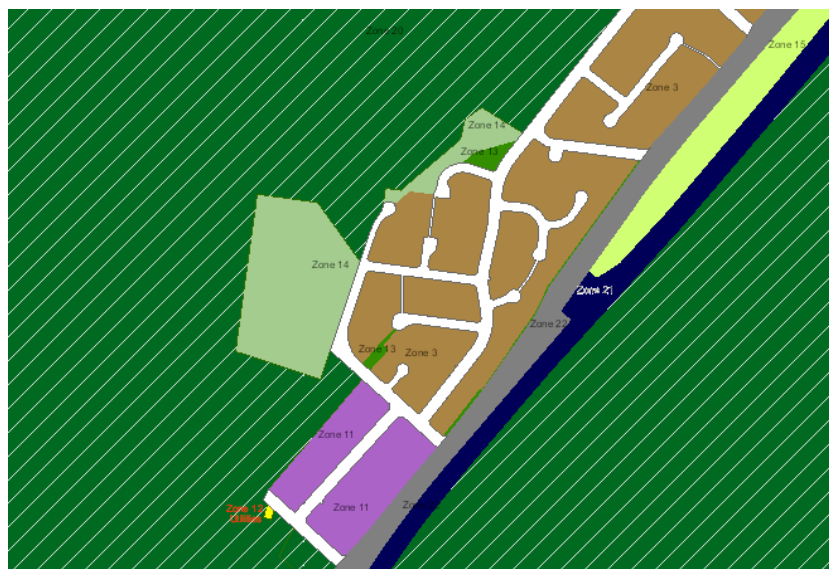
**3 Development allowed only with consent**

*Development (other than development included in item 2) for the purpose of:*

*beach and foreshore protection works (if carried out by a public authority and authorised by a plan of management under the Local Government Act 1993), buildings used in association with landscaping or gardening (including vehicular access to those buildings), drainage, recreation areas, scientific research associated with native habitats, utility installations (except for gas holders or generating works). Demolition not included in item 2. Development (if authorised by a plan of management under the Local Government Act 1993), other than development included in item 2, for the purpose of: cycle access, educational facilities (including signage), pedestrian access, roads.*

**4 Prohibited development**

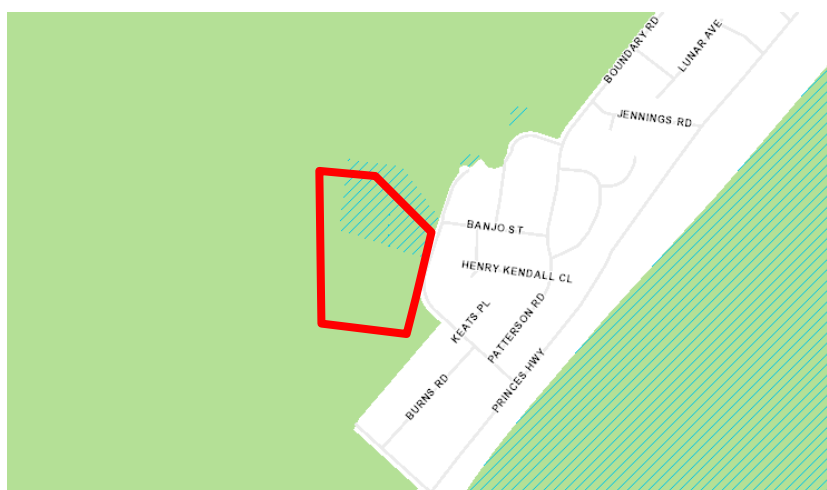
*Any development not included in item 2 or 3."*



**Figure 4: The existing zoning under SSLEP 2006**

As foreshadowed earlier and as can be seen in the pictures provided, the area has strong biodiversity and ecological values. In fact, Council's own mapping shows that the area is

shown on the Sensitive Lands Map as containing Terrestrial Biodiversity and Riparian Lands and Watercourses.



**Figure 5: Council's Environmentally Sensitive Lands Mapping**

During the public exhibition of the Draft LEP 2013, Council received a submission from a planning consultant on behalf of Ausgrid, requesting the rezoning of the sites mentioned previously from an 'Environmental' zoning to an 'Infrastructure' zoning. I am concerned this may be the basis for expanded facilities in the form of substations and additional wiring etc. There is ample space for such facilities elsewhere on Crown Land surrounding the industrial estate, NOT in front of houses.

Despite this, Council should act in the best interests of residents within the Shire and for the upmost environmental outcomes within the Shire. As such, I request the parcel of land be given the E1 category to ensure the high ecological values of the site are retained.

As a second step, I would suggest that the Council approach the National Parks and Wildlife Service NSW to take control of this property under the Heathcote National Park. I acknowledge this is outside the scope of the Draft LEP process, I believe this a valid opportunity to voice this issue to ensure action is taken.

Provided below is an extract from Sutherland Council's *Response to Submissions* document (with emphasis added).

" A submission made on behalf of Ausgrid has requested changes to Ausgrid properties to ensure the future of major infrastructure sites which are to be operated by Ausgrid for electricity distribution the long term. The submission included a listing of Ausgrid's main infrastructure sites indicating zoning for these sites. A review of the Land Zoning Map has been undertaken, which has identified that the zoning of many properties is consistent with the request. However, amendment to the proposed zoning of some properties is necessary to align with the request and to address an identified zoning anomaly. **There are no significant implications associated with these rezonings, which are identified in the table below.**"

In relation to the above statement, I can find no evidence of Council's own reports or justification for the above claim. In fact, I suggest there would be significant implications with any expansion or augmentation of electrical equipment on the properties mentioned. Should

Council wish to proceed with this rezoning, more documentation should be provided for public viewing in favour of the change.

Nevertheless the current zoning of the area as exhibited under the Amended Draft LEP 2013 is as follows:

### **"Zone SP2 Infrastructure"**

#### **1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

#### **2 Permitted without consent**

Nil

#### **3 Permitted with consent**

Food and drink premises; Roads.

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### **4 Prohibited**

Any development not specified in item 2 or 3."



Figure 6: The proposed zoning under the Amended Draft LEP

Significantly, it is noted that all objectives relating to the protection of the environment, bushland or natural corridors have been removed. The primary objective of the land has become entirely related to the purpose of infrastructure. It is acknowledged that the existing transmission definitely has a purpose and is an important factor of the land but by and large appropriate objectives of the zone would be the continued preservation of the natural environment. It is clearly demonstrated that the SP2 zone is an incorrect selection for the subject area and for this reason is inconsistent with the overarching values of the Environmental Planning and Assessment Act 1979.

Of significant concern is the permissible land use of "food and drink premises". This may be appropriate in other locations such as within road reserves and along rail lines, but on the

subject land this is clearly unsuitable and another example of how fundamentally incorrect the chosen zone is for the site.

The site should be included under E1 National Parks and Nature Reserves. Council should NOT allow the possibility for this land to be augmented in any way to provide additional electricity transmission infrastructure in any form. There is ample land surrounding the Heathcote Industrial Estate or further south along the Princes Highway which is under crown ownership which would be able to support such facilities. Council should be looking after the resident's best interests as a matter of importance when dealing with requests from State agencies. Additional information MUST be sought on the basis for the rezoning before simply agreeing to Ausgrid's requests. This decision by Council is not within best practice planning outcomes and makes a mockery of a rezoning process which is much more rigorous under the typical (and expensive) Gateway Planning Proposal process. In this instance the Council has not considered any environmental or social concerns related to the proposed zoning change.

Significantly, I also wish to raise a important aspect regarding the Council's administrative dealings with this matter. Under the amended draft LEP, there has not been any meaningful public consultation or engagement with regards to this important change. **There were no letters sent to residences opposite the proposed rezoned area. The inconsistency with regards to Council's consultation in relation to rezoning matters under the Draft LEP process is inexcusable and more needs to be done before any rezonings of the area in question.**

In summary, I thank you for the opportunity to comment on Council's Amended Draft LEP. For the reasons outlined in this submission, it is my view that Council's rezoning of Lots 30 and 38 in DP 752033 within Heathcote not proceed. In my view Council should rezone the portion E1 National Parks and Nature Reserves and approach the NPWS for inclusion within Heathcote National Park. As an alternative position, Council's previously exhibited zoning of E2 Environmental Conservation would also be acceptable.

Moreover, no notice or any correspondence advertising this proposed change were received by myself of any of the residents within the area. This is unacceptable and further consultation should be provided before such a significant change is imposed on residents. If this is unable to be provided before elected Council vote on this decision, the parcel should be deferred from the 2013 LEP until such time as sufficient negotiations are undertaken between Council, the Residents and Ausgrid.

I trust that this submission is self explanatory, however, should you require any further clarification or to discuss this further, I can be reached on 0401 250 283.

Yours faithfully,

Mr Kenneth Howard  
**No. 23 Garvan Road, Heathcote**